

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 22

94TH GENERAL ASSEMBLY
2007

0382S.12T

AN ACT

To repeal sections 41.655, 50.565, 50.660, 50.1250, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.457, 67.463, 67.797, 67.1003, 67.1360, 67.1401, 67.1451, 67.1545, 67.1561, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 79.495, 87.006, 89.010, 89.400, 94.660, 94.875, 99.847, 100.050, 100.059, 105.971, 108.170, 110.130, 110.140, 110.150, 137.055, 137.115, 139.055, 141.150, 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 163.011, 182.015, 190.052, 190.305, 206.090, 221.040, 226.527, 228.110, 228.190, 235.210, 238.202, 238.207, 238.208, 238.220, 238.225, 238.230, 238.275, 246.005, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 650.340, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and section 94.875 as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Substitute for House Bill No. 205, and to enact in lieu thereof one hundred sixty-four new sections relating to political subdivisions, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 41.655, 50.565, 50.660, 50.1250, 52.290, 52.312, 2 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.457, 67.463, 3 67.797, 67.1003, 67.1360, 67.1401, 67.1451, 67.1545, 67.1561, 67.2500, 67.2510, 4 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 5 79.495, 87.006, 89.010, 89.400, 94.660, 94.875, 99.847, 100.050, 100.059, 105.971, 6 108.170, 110.130, 110.140, 110.150, 137.055, 137.115, 139.055, 141.150, 141.640, 7 144.030, 144.062, 144.757, 144.759, 162.431, 163.011, 182.015, 190.052, 190.305, 8 206.090, 221.040, 226.527, 228.110, 228.190, 235.210, 238.202, 238.207, 238.208, 9 238.220, 238.225, 238.230, 238.275, 246.005, 247.060, 260.830, 260.831, 302.010, 10 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 11 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 409.107, 432.070, 12 451.040, 473.743, 479.010, 479.011, 650.340, RSMo, section 67.1000, as enacted 13 by senate committee substitute for senate bill no. 820, eighty-ninth general 14 assembly, second regular session, and section 67.1000, as enacted by house bill 15 no. 1587, eighty-ninth general assembly, second regular session, and section 16 67.2505 as enacted by conference committee substitute for senate substitute for 17 senate committee substitute for house committee substitute for house bill nos. 18 795, 972, 1128 & 1161 merged with house substitute for senate committee 19 substitute for senate bill no. 1155, ninety-second general assembly, second 20 regular session, and section 67.2505, as enacted by senate substitute for senate 21 committee substitute for house committee substitute for house bill no. 833 merged 22 with house committee substitute for senate substitute for senate bill no. 732, 23 ninety-second general assembly, second regular session, and section 94.875 as 24 Truly Agreed To and Finally Passed by the first regular session of the ninety- 25 fourth general assembly in Senate Substitute for House Bill No. 205, are repealed 26 and one hundred sixty-four new sections enacted in lieu thereof, to be known as 27 sections 41.655, 50.032, 50.565, 50.660, 50.1250, 52.290, 52.312, 52.315, 52.317, 28 58.500, 64.940, 66.010, 67.048, 67.110, 67.304, 67.320, 67.321, 67.457, 67.463, 29 67.797, 67.997, 67.1000, 67.1003, 67.1181, 67.1360, 67.1401, 67.1451, 67.1485, 30 67.1545, 67.1561, 67.2040, 67.2500, 67.2505, 67.2510, 67.2555, 70.220, 70.226, 31 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 79.495, 87.006,

32 89.010, 89.400, 92.500, 94.660, 94.875, 94.950, 99.847, 100.050, 100.059, 108.170,
33 110.130, 110.140, 110.150, 137.055, 137.115, 139.055, 141.150, 141.640, 144.030,
34 144.062, 144.757, 144.759, 162.431, 163.011, 163.016, 163.038, 182.015, 190.052,
35 190.053, 190.305, 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612,
36 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630,
37 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656,
38 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674,
39 205.563, 206.090, 221.040, 226.527, 228.110, 228.190, 235.210, 238.202, 238.207,
40 238.208, 238.220, 238.225, 238.230, 238.275, 246.005, 247.060, 260.830, 260.831,
41 302.010, 320.097, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 321.162,
42 321.688, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.847,
43 393.900, 393.933, 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 644.597,
44 644.598, 644.599, 650.340, 1, 2, 3, 4, and 5, to read as follows:

41.655. 1. The governing body or county planning commission, if any, of
2 any county of the second classification with more than forty-eight thousand two
3 hundred but fewer than forty-eight thousand three hundred inhabitants shall
4 provide for the planning, zoning, subdivision and building within all or any
5 portion of the unincorporated area extending three thousand feet outward from
6 the boundaries of any military base located in such county and the area within
7 the perimeter of accident potential zones one and two [if the county has a zoning
8 commission and a board of adjustment established under sections 64.510 to
9 64.727, RSMo]. As used in this section, the term "accident potential zones one
10 and two" means any land area [that was] identified in the [April, 1976] **current**
11 **Air Installation Compatible Use Zone Report** at the north and south ends of the
12 clear zone of a military installation located in any county of the second
13 classification with more than forty-eight thousand two hundred but fewer than
14 forty-eight thousand three hundred inhabitants and which is in significant danger
15 of aircraft accidents by being beneath that airspace where the potential for
16 aircraft accidents is most likely to occur.

17 **2. The governing body of any county of the second classification**
18 **with more than forty-eight thousand two hundred but fewer than**
19 **forty-eight thousand three hundred inhabitants may adopt, administer,**
20 **and enforce airport hazard area zoning regulations that are**
21 **substantially similar to the airport hazard area zoning regulations in**
22 **sections 67.1200 to 67.1222, RSMo, subject to any exceptions listed in**
23 **this section. Such exceptions are as follows:**

24 **(1) All definitions in section 67.1200, RSMo, shall apply, except**
25 **that any reference to a political subdivision in sections 67.1200 to**
26 **67.1222, RSMo, shall be construed to include any county of the second**

27 classification with more than forty-eight thousand two hundred but
28 fewer than forty-eight thousand three hundred inhabitants;

29 (2) Sections 67.1207 and 67.1212, RSMo, shall not apply;

30 (3) The county shall employ any existing airport planning
31 commission or airport zoning commission as created in section 67.1210,
32 RSMo, or shall form such commission, with the following exceptions:

33 (a) The commission shall consist of five members as follows:

34 a. Three residents of the county, with at least two of such county
35 residents residing in the township containing the military base;

36 b. The presiding county commissioner or such commissioner's
37 designee; and

38 c. The county road commissioner;

39 (b) The commission may appoint an ex officio military liaison
40 from the armed forces of the United States who is stationed at the
41 military base;

42 (c) The terms of office of each member under this section shall
43 be identical to the terms of office in section 67.1210, RSMo, with the
44 member chosen to serve as chair serving for an initial term of two
45 years. The commission shall elect its chairman;

46 (4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo, shall
47 apply in their entirety, except that any reference to a municipality in
48 such sections shall be construed to include any county of the second
49 classification with more than forty-eight thousand two hundred but
50 fewer than forty-eight thousand three hundred inhabitants;

51 (5) Section 67.1220 shall apply in its entirety, except that the
52 board of variance shall consist of three members as follows:

53 (a) Three residents of the county, with at least two of such
54 county residents residing in the township containing the military base;

55 (b) The board shall elect its chairman.

50.032. No county shall receive any state funds unless the county
2 has determined, by order or ordinance, to agree to engage in mediation
3 if a dispute concerning a financial expenditure arises between such
4 county and another county as to which county is fully responsible or if
5 both counties are partially responsible for paying such
6 expenses. Mediation under this section shall be nonbinding and
7 independently administered. The counties shall mutually agree upon
8 a qualified independent and neutral county commissioner of a county
9 not involved in the dispute to serve as mediator, and shall share the
10 costs of the mediator. If the counties cannot mutually agree upon a

11 **county commissioner to serve as mediator, the matter shall be resolved**
12 **by a three-person arbitration panel consisting of a county**
13 **commissioner selected by each county, and one person selected by such**
14 **selected county commissioners. In the event that a three-person**
15 **arbitration panel is necessary, each county shall jointly and equally**
16 **bear with the other county the expense of the arbitration. The**
17 **mediation or arbitration shall take place within thirty days of the**
18 **selection of the mediator or arbitration panel. Any decision issued by**
19 **an arbitration panel may be appealed to the circuit court to determine**
20 **the portion of expenses each county shall be responsible for paying.**

50.565. 1. A county commission may establish by ordinance or order a
2 fund whose proceeds may be expended only for the purposes provided for in
3 subsection 3 of this section. The fund shall be designated as a county law
4 enforcement restitution fund and shall be under the supervision of a board of
5 trustees consisting of two citizens of the county appointed by the presiding
6 commissioner of the county, two citizens of the county appointed by the sheriff of
7 the county, and one citizen of the county appointed by the county coroner or
8 medical examiner. The citizens so appointed shall not be **current or former**
9 **elected officials**, current or former employees of the sheriff's department, the
10 office of the prosecuting attorney for the county, **office of the county**
11 **commissioners**, or the county treasurer's office. If a county does not have a
12 coroner or medical examiner, the county treasurer shall appoint one citizen to the
13 board of trustees.

14 2. Money from the county law enforcement restitution fund shall only be
15 expended upon the approval of a majority of the members of the county law
16 enforcement restitution fund's board of trustees and only for the purposes
17 provided for by subsection 3 of this section.

18 3. Money from the county law enforcement restitution fund shall only be
19 expended for the following purposes:

- 20 (1) Narcotics investigation, prevention, and intervention;
- 21 (2) Purchase of law enforcement-related equipment and supplies for the
22 sheriff's office;
- 23 (3) Matching funds for federal or state law enforcement grants;
- 24 (4) Funding for the reporting of all state and federal crime statistics or
25 information; and
- 26 (5) Any **county** law enforcement-related expense, including those of the
27 prosecuting attorney, approved by the board of trustees for the county law
28 enforcement restitution fund that is reasonably related to investigation, charging,
29 preparation, trial, and disposition of criminal cases before the courts of the state

30 of Missouri.

31 4. The county commission may not reduce any law enforcement agency's
32 budget as a result of funds the law enforcement agency receives from the county
33 law enforcement restitution fund. The restitution fund is to be used only as a
34 supplement to the law enforcement agency's funding received from other county,
35 state, or federal funds.

36 5. County law enforcement restitution funds shall be audited as are all
37 other county funds.

38 6. No court may order the assessment and payment authorized by this
39 section if the plea of guilty or the finding of guilt is to the charge of speeding,
40 careless and imprudent driving, any charge of violating a traffic control signal or
41 sign, or any charge which is a class C misdemeanor or an infraction. No
42 assessment and payment ordered pursuant to this section may exceed three
43 hundred dollars for any charged offense.

50.660. 1. All contracts shall be executed in the name of the county, or
2 in the name of a township in a county with a township form of government, by the
3 head of the department or officer concerned, except contracts for the purchase of
4 supplies, materials, equipment or services other than personal made by the officer
5 in charge of purchasing in any county or township having the officer. No contract
6 or order imposing any financial obligation on the county or township is binding
7 on the county or township unless it is in writing and unless there is a balance
8 otherwise unencumbered to the credit of the appropriation to which it is to be
9 charged and a cash balance otherwise unencumbered in the treasury to the credit
10 of the fund from which payment is to be made, each sufficient to meet the
11 obligation incurred and unless the contract or order bears the certification of the
12 accounting officer so stating; except that in case of any contract for public works
13 or buildings to be paid for from bond funds or from taxes levied for the purpose
14 it is sufficient for the accounting officer to certify that the bonds or taxes have
15 been authorized by vote of the people and that there is a sufficient unencumbered
16 amount of the bonds yet to be sold or of the taxes levied and yet to be collected
17 to meet the obligation in case there is not a sufficient unencumbered cash balance
18 in the treasury. All contracts and purchases shall be let to the lowest and best
19 bidder after due opportunity for competition, including advertising the proposed
20 letting in a newspaper in the county or township with a circulation of at least five
21 hundred copies per issue, if there is one, except that the advertising is not
22 required in case of contracts or purchases involving an expenditure of less than
23 **[four thousand five hundred] six thousand** dollars. It is not necessary to obtain
24 bids on any purchase in the amount of four thousand five hundred dollars or less
25 made from any one person, firm or corporation during any period of ninety days.

26 All bids for any contract or purchase may be rejected and new bids advertised
27 for. Contracts which provide that the person contracting with the county or
28 township shall, during the term of the contract, furnish to the county or township
29 at the price therein specified the supplies, materials, equipment or services other
30 than personal therein described, in the quantities required, and from time to time
31 as ordered by the officer in charge of purchasing during the term of the contract,
32 need not bear the certification of the accounting officer, as herein provided; but
33 all orders for supplies, materials, equipment or services other than personal shall
34 bear the certification. In case of such contract, no financial obligation accrues
35 against the county or township until the supplies, materials, equipment or
36 services other than personal are so ordered and the certificate furnished.

37 **2. Notwithstanding the provisions of subsection 1 of this section**
38 **to the contrary, advertising shall not be required in any county in the**
39 **case of contracts or purchases involving an expenditure of less than six**
40 **thousand dollars.**

50.1250. 1. If a member has less than five years of creditable service
2 upon termination of employment, the member shall forfeit the portion of his or
3 her defined contribution account attributable to board matching contributions or
4 county matching contributions pursuant to section 50.1230. The proceeds of such
5 forfeiture shall be applied towards matching contributions made by the board for
6 the calendar year in which the forfeiture occurs. If the board does not approve
7 a matching contribution, then forfeitures shall revert to the county employees'
8 retirement fund. The proceeds of such forfeiture with respect to county matching
9 contributions shall be applied toward matching contributions made by the
10 respective county in accordance with rules prescribed by the board.

11 2. A member shall be eligible to receive a distribution of the member's
12 defined contribution account in such form selected by the member as permitted
13 under and in accordance with the rules and regulations formulated and adopted
14 by the board from time to time, and commencing as soon as administratively
15 feasible following separation from service, unless the member elects to receive the
16 account balance at a later time, but no later than his or her required beginning
17 date. Notwithstanding the foregoing, if the value of a member's defined
18 contribution account balance is [five] **one** thousand dollars or less at the time of
19 the member's separation from service, without respect to any board-matching
20 contributions or employer-matching contribution which might be allocated
21 following the member's separation from service, then his or her defined
22 contribution account shall be distributed to the member in a single sum as soon
23 as administratively feasible following his or her separation from service. The
24 amount of the distribution shall be the amount determined as of the valuation

25 date described in section 50.1240, if the member has at least five years of
26 creditable service. If the member has less than five years of creditable service
27 upon his or her separation from service, then the amount of the distribution shall
28 equal the portion of the member's defined contribution account attributable to the
29 member's seed contributions pursuant to section 50.1220, if any, determined as
30 of the valuation date.

31 3. If the member dies before receiving the member's account balance, the
32 member's designated beneficiary shall receive the member's defined contribution
33 account balance, as determined as of the immediately preceding valuation date,
34 in a single sum. The member's beneficiary shall be his or her spouse, if married,
35 or his or her estate, if not married, unless the member designates an alternative
36 beneficiary in accordance with procedures established by the board.

52.290. 1. In all counties except counties [of the first classification]
2 having a charter form of government and any city not within a county, the
3 collector shall collect on behalf of the county a fee for the collection of delinquent
4 and back taxes of seven percent on all sums collected to be added to the face of
5 the tax bill and collected from the party paying the tax. Two-sevenths of the fees
6 collected pursuant to the provisions of this section shall be paid into the county
7 general fund, two-sevenths of the fees collected pursuant to the provisions of this
8 section shall be paid into the tax maintenance fund of the county as required by
9 section 52.312 and three-sevenths of the fees collected pursuant to the provisions
10 of this section shall be paid into the county employees' retirement fund created
11 by sections 50.1000 to 50.1200, RSMo.

12 2. In all counties [of the first classification] having a charter form of
13 government and any city not within a county, the collector shall collect on behalf
14 of the county and pay into the county general fund a fee for the collection of
15 delinquent and back taxes of two percent on all sums collected to be added to the
16 face of the tax bill and collected from the party paying the tax except that in a
17 county with a charter form of government and with more than two hundred fifty
18 thousand but less than [three] **seven** hundred [fifty] thousand inhabitants, the
19 collector shall collect on behalf of the county a fee for the collection of delinquent
20 and back taxes of three percent on all sums collected to be added to the face of
21 the tax bill and collected from the party paying the tax. [Two-thirds of the fees
22 collected pursuant to the provisions of this section shall be paid into the county
23 general fund and one-third of the fees collected pursuant to this section shall be
24 paid into the tax maintenance fund of the county as required by section 52.312,
25 RSMo.] **If a county is required by section 52.312 to establish a tax**
26 **maintenance fund, one-third of the fees collected under this subsection**
27 **shall be paid into that fund; otherwise, all fees collected under the**

28 **provisions of this subsection shall be paid into the county general fund.**

29 3. Such county collector may accept credit cards as proper form of
30 payment of outstanding delinquent and back taxes due. No county collector may
31 charge a surcharge for payment by credit card.

52.312. Notwithstanding any provisions of law to the contrary, in addition
2 to fees provided for in this chapter, or any other provisions of law in conflict with
3 the provisions of this section, all counties, including [a] any county with a
4 charter form of government and with more than two hundred fifty thousand but
5 less than [three] **seven** hundred [fifty] thousand inhabitants, other than counties
6 [of the first classification] having a charter form of government and any city not
7 within a county, subject to the provisions of this section, shall establish a fund
8 to be known as the "Tax Maintenance Fund" to be used solely as a depository for
9 funds received or collected for the purpose of funding additional costs and
10 expenses incurred in the office of collector.

52.315. 1. The two-sevenths collected to fund the tax maintenance fund
2 pursuant to section 52.290 **and all moneys collected to fund the tax**
3 **maintenance fund under subsection 2 of section 52.290** shall be
4 transmitted monthly for deposit into the tax maintenance fund and used for
5 additional administration and operation costs for the office of collector. Any costs
6 shall include, but shall not be limited to, those costs that require any additional
7 out-of-pocket expense by the office of collector and it may include reimbursement
8 to county general revenue for the salaries of employees of the office of collector
9 for hours worked and any other expenses necessary to conduct and execute the
10 duties and responsibilities of such office.

11 2. The tax maintenance fund may also be used by the collector for
12 training, purchasing new or upgrading information technology, equipment or
13 other essential administrative expenses necessary to carry out the duties and
14 responsibilities of the office of collector, including anything necessarily pertaining
15 thereto.

16 3. The collector has the sole responsibility for all expenditures made from
17 the tax maintenance fund and shall approve all expenditures from such fund. All
18 such expenditures from the tax maintenance fund shall not be used to substitute
19 for or subsidize any allocation of county general revenue for the operation of the
20 office of collector.

21 4. The tax maintenance fund may be audited by the appropriate auditing
22 agency. Any unexpended balance shall be left in the tax maintenance fund, to
23 accumulate from year to year with interest.

52.317. 1. Any county subject to the provisions of section 52.312 shall
2 provide moneys for budget purposes in an amount not less than the approved

3 budget in the previous year and shall include the same percentage adjustments
4 in compensation as provided for other county employees as effective January first
5 each year. Any moneys accumulated and remaining in the tax maintenance fund
6 as of December thirty-first each year in all counties of the first classification
7 [without a charter form of government] and any county with a charter form of
8 government and with more than two hundred fifty thousand but less than [three]
9 **seven** hundred [fifty] thousand inhabitants shall be limited to an amount equal
10 to one-half of the previous year's approved budget for the office of collector, and
11 any moneys accumulated and remaining in the tax maintenance fund as of
12 December thirty-first each year in all counties other than counties of the first
13 classification and any city not within a county, which collect more than four
14 million dollars of all current taxes charged to be collected, shall be limited to an
15 amount equal to the previous year's approved budget for the office of
16 collector. Any moneys remaining in the tax maintenance fund as of December
17 thirty-first each year that exceed the above-established limits shall be transferred
18 to county general revenue by the following January fifteenth of each year.

19 2. For one-time expenditures directly attributable to any department,
20 office, institution, commission, or county court, the county commission may
21 budget such expenses in a common fund or account so that any such expenditures
22 separately budgeted do not appear in any specific department, county office,
23 institution, commission, or court budget.

58.500. Upon delivery of any money to the [treasurer] **public**
2 **administrator**, he or she shall [place it to the credit of the city or county; if it
3 be other property he shall, within thirty days, sell it at public auction, upon ten
4 days' public notice, by publication in some newspaper printed in the city or
5 county, if there be any, and if there be none, then by posting not less than six
6 written or printed bills, giving notice of time and place of sale of such other
7 property; and shall, in like manner, place the proceeds to the credit of the city or
8 county] **follow the procedures as set out in section 473.743, RSMo.**

64.940. 1. The authority shall have the following powers:

- 2 (1) To acquire by gift, bequest, purchase or lease from public or private
3 sources and to plan, construct, operate and maintain, or to lease to others for
4 construction, operation and maintenance a sports stadium, field house, indoor and
5 outdoor recreational facilities, centers, playing fields, parking facilities and other
6 suitable concessions, and all things incidental or necessary to a complex suitable
7 for all types of sports and recreation, either professional or amateur, commercial
8 or private, either upon, above or below the ground;
- 9 (2) To charge and collect fees and rents for use of the facilities owned or
10 operated by it or leased from or to others;

11 (3) To adopt a common seal, to contract and to be contracted with,
12 including, but without limitation, the authority to enter into contracts with
13 counties and other political subdivisions under sections 70.210 to 70.320, RSMo,
14 and to sue and to be sued;

15 (4) To receive for its lawful activities any contributions or moneys
16 appropriated by municipalities, counties, state or other political subdivisions or
17 agencies or by the federal government or any agency or officer thereof or from any
18 other source;

19 (5) To disburse funds for its lawful activities and fix salaries and wages
20 of its officers and employees;

21 (6) To borrow money for the acquisition, planning, construction,
22 equipping, operation, maintenance, repair, extension and improvement of any
23 facility, or any part or parts thereof, which it has the power to own or to operate,
24 and to issue negotiable notes, bonds, or other instruments in writing as evidence
25 of sums borrowed, as hereinafter provided in this section:

26 (a) Bonds or notes issued hereunder shall be issued pursuant to a
27 resolution adopted by the commissioners of the authority which shall set out the
28 estimated cost to the authority of the proposed facility or facilities, and shall
29 further set out the amount of bonds or notes to be issued, their purpose or
30 purposes, their date or dates, denomination or denominations, rate or rates of
31 interest, time or times of payment, both of principal and of interest, place or
32 places of payment and all other details in connection therewith. Any such bonds
33 or notes may be subject to such provision for redemption prior to maturity, with
34 or without premium, and at such times and upon such conditions as may be
35 provided by the resolution.

36 (b) Such bonds or notes shall bear interest at a rate not exceeding eight
37 percent per annum and shall mature within a period not exceeding fifty years and
38 may be sold at public or private sale for not less than ninety-five percent of the
39 principal amount thereof. Bonds or notes issued by an authority shall possess all
40 of the qualities of negotiable instruments under the laws of this state.

41 (c) Such bonds or notes may be payable to bearer, may be registered or
42 coupon bonds or notes and if payable to bearer, may contain such registration
43 provisions as to either principal and interest, or principal only, as may be
44 provided in the resolution authorizing the same which resolution may also
45 provide for the exchange of registered and coupon bonds or notes. Such bonds or
46 notes and any coupons attached thereto shall be signed in such manner and by
47 such officers of the authority as may be provided for by the resolution authorizing
48 the same. The authority may provide for the replacement of any bond or note
49 which shall become mutilated, destroyed or lost.

50 (d) Bonds or notes issued by an authority shall be payable as to principal,
51 interest and redemption premium, if any, out of the general funds of the
52 authority, including rents, revenues, receipts and income derived and to be
53 derived for the use of any facility or combination of facilities, or any part or parts
54 thereof, acquired, constructed, improved or extended in whole or in part from the
55 proceeds of such bonds or notes, including but not limited to stadium rentals,
56 concessions, parking facilities and from funds derived from any other facilities or
57 part or parts thereof, owned or operated by the authority, all or any part of which
58 rents, revenues, receipts and income the authority is authorized to pledge for the
59 payment of said principal, interest, and redemption premium, if any. Bonds or
60 notes issued pursuant to this section shall not constitute an indebtedness of the
61 authority within the meaning of any constitutional or statutory restriction,
62 limitation or provision, and such bonds or notes shall not be payable out of any
63 funds raised or to be raised by taxation. Bonds or notes issued pursuant to this
64 section may be further secured by a mortgage or deed of trust upon the rents,
65 revenues, receipts and income herein referred to or any part thereof or upon any
66 leasehold interest or other property owned by the authority, or any part thereof,
67 whether then owned or thereafter acquired. The proceeds of such bonds or notes
68 shall be disbursed in such manner and under such restrictions as the authority
69 may provide in the resolution authorizing the issuance of such bonds or notes or
70 in any such mortgage or deed of trust.

71 (e) It shall be the duty of the authority to fix and maintain rates and
72 make and collect charges for the use and services of its interest in the facility or
73 facilities or any part thereof operated by the authority which shall be sufficient
74 to pay the cost of operation and maintenance thereof, to pay the principal of and
75 interest on any such bonds or notes and to provide funds sufficient to meet all
76 requirements of the resolution by which such bonds or notes have been issued.

77 (f) The resolution authorizing the issuance of any such bonds or notes may
78 provide for the allocation of rents, revenues, receipts and income derived and to
79 be derived by the authority from the use of any facility or part thereof into such
80 separate accounts as shall be deemed to be advisable to assure the proper
81 operation and maintenance of any facility or part thereof and the prompt payment
82 of any bonds or notes issued to finance all or any part of the costs thereof. Such
83 accounts may include reserve accounts necessary for the proper operation and
84 maintenance of any such facility or any part thereof, and for the payment of any
85 such bonds or notes. Such resolution may include such other covenants and
86 agreements by the authority as in its judgment are advisable or necessary
87 properly to secure the payment of such bonds or notes.

88 (g) The authority may issue negotiable refunding bonds or notes for the

89 purpose of refunding, extending or unifying the whole or any part of such bonds
90 or notes then outstanding, which bonds or notes shall not exceed the principal of
91 the outstanding bonds or notes to be refunded and the accrued interest thereon
92 to the date of such refunding, including any redemption premium. The authority
93 may provide for the payment of interest on such refunding bonds or notes at a
94 rate in excess of the bonds or notes to be refunded but such interest rate shall not
95 exceed the maximum rate of interest hereinbefore provided.

96 (7) To condemn any and all rights or property, of any kind or character,
97 necessary for the purposes of the authority, subject, however, to the provisions of
98 sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo;
99 provided, however, that no property now or hereafter vested in or held by the
100 state or by any county, city, village, township or other political subdivisions shall
101 be taken by the authority without the authority or consent of such political
102 subdivisions;

103 (8) To perform all other necessary and incidental functions; and to
104 exercise such additional powers as shall be conferred by the general assembly or
105 by act of Congress.

106 2. The authority is authorized and directed to proceed to carry out its
107 duties, functions and powers in accordance with sections 64.920 to 64.950 as
108 rapidly as may be economically practicable and is vested with all necessary and
109 appropriate powers not inconsistent with the constitution or the laws of the
110 United States to effectuate the same, except the power to levy taxes or
111 assessments.

112 3. Any expenditure made by the authority located in a county with a
113 charter form of government and with more than six hundred thousand but fewer
114 than seven hundred thousand inhabitants, that is over [five] **twenty-five**
115 thousand dollars, including professional service contracts, must be competitively
116 bid.

66.010. 1. Any [first class] county framing and adopting a charter for its
2 own government under the provisions of section 18, article VI of the constitution
3 of this state, may prosecute and punish violations of its county ordinances in the
4 circuit court of such counties in the manner and to the extent herein provided or
5 in a county municipal court [if creation of a county municipal court is authorized
6 by such charter]. In addition, the county may prosecute and punish municipal
7 ordinance violations in the county municipal court pursuant to a contract with
8 any municipality within the county. Any county municipal court established
9 pursuant to the provisions of this section shall have jurisdiction over violations
10 of that county's ordinances and the ordinances of municipalities with which the
11 county has a contract to prosecute and punish violations of municipal ordinances

12 of the city. Costs and procedures in any such county municipal court shall be
13 governed by the provisions of law relating to municipal ordinance violations in
14 municipal divisions of circuit courts.

15 2. In any county which has elected to establish a county municipal court
16 pursuant to this section, the judges for such court shall be appointed by the
17 county executive of such county, subject to confirmation by the legislative body
18 of such county in the same manner as confirmation for other county appointed
19 officers. The number of judges appointed, and qualifications for their
20 appointment, shall be established by ordinance of the county.

21 3. The number of divisions of such county municipal court and its term
22 shall be established by ordinance of the county.

23 4. **Except in any county with a charter form of government and**
24 **with more than six hundred thousand but fewer than seven hundred**
25 **thousand inhabitants,** the ordinance of the county shall provide for regular
26 sessions of court in the evening hours after 6:00 p.m. and at locations outside the
27 county seat. **In any county with a charter form of government and with**
28 **more than six hundred thousand but fewer than seven hundred**
29 **thousand inhabitants, the ordinance of the county may provide for**
30 **regular sessions of court in the evening hours after 6:00 p.m. and at**
31 **locations outside the county seat.**

32 5. Judges of the county municipal court shall be licensed to practice law
33 in this state and shall be residents of the county in which they serve. Municipal
34 court judges shall not accept or handle cases in their practice of law which are
35 inconsistent with their duties as a municipal court judge and shall not be a judge
36 or prosecutor for any other court.

37 6. In establishing the county municipal court, provisions shall be made
38 for appropriate circumstances whereby defendants may enter not guilty pleas and
39 obtain trial dates by telephone or written communication without personal
40 appearance, or to plead guilty and deliver by mail or electronic transfer or other
41 approved method the specified amount of the fine and costs as otherwise provided
42 by law, within a specified period of time.

43 7. In a county municipal court established pursuant to this section, the
44 county may provide by ordinance for court costs not to exceed the sum which may
45 be provided by municipalities for municipal violations before municipal
46 courts. The county municipal judge may assess costs against a defendant who
47 pleads guilty or is found guilty except in those cases where the defendant is found
48 by the judge to be indigent and unable to pay the costs. The costs authorized in
49 this subsection are in addition to service costs, witness fees and jail costs that
50 may otherwise be authorized to be assessed, but are in lieu of other court or judge

51 costs or fees. Such costs shall be collected by the authorized clerk and deposited
52 into the county treasury.

53 8. Provisions shall be made for recording of proceedings, except that if
54 such proceedings are not recorded, then, in that event, a person aggrieved by a
55 judgment of a traffic judge or commissioner shall have the right of a trial de
56 novo. The procedures for perfecting the right of a trial de novo shall be the same
57 as that provided under sections 512.180 to 512.320, RSMo, except that the
58 provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.
59 In the event that such proceedings are recorded, all final decisions of the county
60 municipal court shall be appealable on such record to the appellate court with
61 appropriate jurisdiction.

62 9. Any person charged with the violation of a county ordinance in a county
63 which has established a county municipal court under the provisions of this
64 section shall, upon request, be entitled to a trial by jury before a county
65 municipal court judge. Any jury trial shall be heard with a record being made.

66 10. In the event that a court is established pursuant to this section, the
67 circuit judges of the judicial circuit with jurisdiction within that county may
68 authorize the judges of the county municipal court to act as commissioners to
69 hear in the first instance nonfelony violations of state law involving motor
70 vehicles as provided by local rule.

**67.048. Any county board that receives funding from the county
2 treasury and whose members are appointed by the county commission
3 shall submit an annual report to the county commission at the end of
4 each fiscal year itemizing its expenditures.**

67.110. 1. Each political subdivision in the state, except counties, shall
2 fix its ad valorem property tax rates as provided in this section not later than
3 September first for entry in the tax books. Before the governing body of each
4 political subdivision of the state, except counties, as defined in section 70.120,
5 RSMo, fixes its rate of taxation, its budget officer shall present to its governing
6 body the following information for each tax rate to be levied: The assessed
7 valuation by category of real, personal and other tangible property in the political
8 subdivision as entered in the tax book for the fiscal year for which the tax is to
9 be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed
10 valuation by category of real, personal and other tangible property in the political
11 subdivisions for the preceding taxable year, the amount of revenue required to be
12 provided from the property tax as set forth in the annual budget adopted as
13 provided by this chapter, and the tax rate proposed to be set. Should any
14 political subdivision whose taxes are collected by the county collector of revenue
15 fail to fix its ad valorem property tax rate by September first, then no tax rate

16 other than the rate, if any, necessary to pay the interest and principal on any
17 outstanding bonds shall be certified for that year.

18 2. The governing body shall hold at least one public hearing on the
19 proposed rates of taxes at which citizens may be heard prior to their
20 approval. The governing body shall determine the time and place for such
21 hearing. A notice stating the hour, date and place of the hearing shall be
22 published in at least one newspaper qualified under the laws of the state of
23 Missouri of general circulation in the county within which all or the largest
24 portion of the political subdivision is situated, or such notice shall be posted in
25 at least three public places within the political subdivision; except that, in any
26 county of the first class having a charter form of government, such notice may be
27 published in a newspaper of general circulation within the political subdivision
28 even though such newspaper is not qualified under the laws of Missouri for other
29 legal notices. Such notice shall be published or posted at least seven days prior
30 to the date of the hearing. The notice shall include the assessed valuation by
31 category of real, personal and other tangible property in the political subdivision
32 for the fiscal year for which the tax is to be levied as provided by subsection 3 of
33 section 137.245, RSMo, the assessed valuation by category of real, personal and
34 other tangible property in the political subdivision for the preceding taxable year,
35 for each rate to be levied the amount of revenue required to be provided from the
36 property tax as set forth in the annual budget adopted as provided by this
37 chapter, and the tax rates proposed to be set for the various purposes of
38 taxation. The tax rates shall be calculated to produce substantially the same
39 revenues as required in the annual budget adopted as provided in this
40 chapter. Following the hearing the governing body of each political subdivision
41 shall fix the rates of taxes, the same to be entered in the tax book. Failure of any
42 taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit
43 of any other legal remedy otherwise available to the taxpayer. Nothing in this
44 section absolves political subdivisions of responsibilities under section 137.073,
45 RSMo, nor to adjust tax rates in event changes in assessed valuation occur that
46 would alter the tax rate calculations.

47 3. Each political subdivision of the state shall fix its property tax rates in
48 the manner provided in this section for each fiscal year which begins after
49 December 31, 1976. New or increased tax rates for political subdivisions whose
50 taxes are collected by the county collector approved by voters after September
51 first of any year shall not be included in that year's tax levy except for any new
52 tax rate ceiling approved pursuant to section 71.800, RSMo.

53 **4. In addition to the information required under subsections 1**
54 **and 2 of this section, each political subdivision shall also include the**

55 **increase in tax revenue due to an increase in assessed value as a result**
56 **of new construction and improvement and the increase, both in dollar**
57 **value and percentage, in tax revenue as a result of reassessment if the**
58 **proposed tax rate is adopted.**

67.304. 1. **The governing body of any municipality or county may**
2 **authorize any organization to stand in a road in such municipality or**
3 **county to solicit a charitable contribution. Any organization seeking**
4 **authorization under this section shall file a written application with**
5 **the governing body no later than the eleventh day before the**
6 **solicitation is to begin. The application shall include:**

7 (1) **The date and time the solicitation is to occur;**
8 (2) **The location of the solicitation; and**
9 (3) **The number of solicitors to be involved at each location of the**
10 **solicitation.**

11 2. **The governing body may require the applicant to obtain a**
12 **permit or to pay a reasonable fee to receive the authorization.**

13 3. **The governing body may require proof of liability insurance**
14 **in the amount determined by the municipality or county to cover**
15 **damages that may arise from the solicitation. The insurance shall**
16 **provide coverage against claims against the applicant and claims**
17 **against the governing body.**

18 4. **Collections shall only be conducted at intersections controlled**
19 **by electronic signal lights or by four-way stop signs.**

20 5. **The governing body may set a minimum age requirement for**
21 **all individuals participating in charitable solicitation activities under**
22 **this section.**

67.320. 1. Any county of the first classification with more than one
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
3 two hundred inhabitants may prosecute and punish violations of its county orders
4 in the circuit court of such counties in the manner and to the extent herein
5 provided or in a county municipal court if creation of a county municipal court is
6 approved by order of the county commission. The county may adopt orders with
7 penal provisions consistent with state law [but only in the areas of traffic
8 violations, solid waste management and animal control], **but only in the areas**
9 **of traffic violations, solid waste management, county building codes,**
10 **on-site sewer treatment, zoning orders, and animal control.** Any county
11 municipal court established pursuant to the provisions of this section shall have
12 jurisdiction over violations of that county's orders and the ordinances of
13 municipalities with which the county has a contract to prosecute and punish

14 violations of municipal ordinances of the municipality.

15 2. In any county which has elected to establish a county municipal court
16 pursuant to this section, the judges for such court shall be appointed by the
17 county commission of such county, subject to confirmation by the legislative body
18 of such county in the same manner as confirmation for other county appointed
19 officers. The number of judges appointed, and qualifications for their
20 appointment, shall be established by order of the commission.

21 3. The practice and procedure of each prosecution shall be conducted in
22 compliance with all of the terms and provisions of sections 66.010 to 66.140,
23 RSMo, except as provided for in this section.

24 4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall
25 be synonymous with the term order for purposes of this section.

**67.321. 1. Notwithstanding any other provision of law to the
2 contrary, the governing body of any county or municipality shall have
3 the authority to establish an ordinance to allow patrons' pets, as
4 defined in subdivision (20) of section 266.160, RSMo, except for
5 specialty pets as defined in subdivision (25) of section 266.160, RSMo,
6 within certain designated outdoor portions of public food service
7 establishments.**

**8 2. The governing body shall require from the public food service
9 establishment the following information:**

10 **(1) A diagram and description of the outdoor area to be
11 designated as available to patrons' pets, including dimensions of the
12 designated area;**

13 **(2) A depiction of the number and placement of tables, chairs,
14 and restaurant equipment;**

15 **(3) Entryways and exits to the designated outdoor area;**

16 **(4) The boundaries of the designated area and of other areas of
17 outdoor dining not available to patrons' pets;**

18 **(5) Any fences or other barriers;**

19 **(6) Surrounding property lines and public rights-of-way
20 including sidewalks and common pathways; and**

21 **(7) Any other information deemed necessary by the governing
22 body.**

**67.457. 1. To establish a neighborhood improvement district, the
2 governing body of any city or county shall comply with either of the procedures
3 described in subsection 2 or 3 of this section.**

**4 2. The governing body of any city or county proposing to create a
5 neighborhood improvement district may by resolution submit the question of**

6 creating such district to all qualified voters residing within such district at a
7 general or special election called for that purpose. Such resolution shall set forth
8 the project name for the proposed improvement, the general nature of the
9 proposed improvement, the estimated cost of such improvement, the boundaries
10 of the proposed neighborhood improvement district to be assessed, and the
11 proposed method or methods of assessment of real property within the district,
12 including any provision for the annual assessment of maintenance costs of the
13 improvement in each year during the term of the bonds issued for the original
14 improvement and after such bonds are paid in full. The governing body of the
15 city or county may create a neighborhood improvement district when the question
16 of creating such district has been approved by the vote of the percentage of
17 electors within such district voting thereon that is equal to the percentage of
18 voter approval required for the issuance of general obligation bonds of such city
19 or county under article VI, section 26 of the constitution of this state. The notice
20 of election containing the question of creating a neighborhood improvement
21 district shall contain the project name for the proposed improvement, the general
22 nature of the proposed improvement, the estimated cost of such improvement, the
23 boundaries of the proposed neighborhood improvement district to be assessed, the
24 proposed method or methods of assessment of real property within the district,
25 including any provision for the annual assessment of maintenance costs of the
26 improvement in each year after the bonds issued for the original improvement are
27 paid in full, and a statement that the final cost of such improvement assessed
28 against real property within the district and the amount of general obligation
29 bonds issued therefor shall not exceed the estimated cost of such improvement,
30 as stated in such notice, by more than twenty-five percent, and that the annual
31 assessment for maintenance costs of the improvements shall not exceed the
32 estimated annual maintenance cost, as stated in such notice, by more than
33 twenty-five percent. The ballot upon which the question of creating a
34 neighborhood improvement district is submitted to the qualified voters residing
35 within the proposed district shall contain a question in substantially the following
36 form:

37 Shall (name of city or county) be authorized
38 to create a neighborhood improvement district proposed for the
39 (project name for the proposed improvement) and
40 incur indebtedness and issue general obligation bonds to pay for all or part of the
41 cost of public improvements within such district, the cost of all indebtedness so
42 incurred to be assessed by the governing body of the
43 (city or county) on the real property benefited by such improvements for a period
44 of years, and, if included in the resolution, an assessment in each year

45 thereafter with the proceeds thereof used solely for maintenance of the
46 improvement?

47 3. As an alternative to the procedure described in subsection 2 of this
48 section, the governing body of a city or county may create a neighborhood
49 improvement district when a proper petition has been signed by the owners of
50 record of at least two-thirds by area of all real property located within such
51 proposed district. **Each owner of record of real property located in the**
52 **proposed district is allowed one signature. Any person, corporation, or**
53 **limited liability partnership owning more than one parcel of land**
54 **located in such proposed district shall be allowed only one signature**
55 **on such petition.** The petition, in order to become effective, shall be filed with
56 the city clerk or county clerk. A proper petition for the creation of a neighborhood
57 improvement district shall set forth the project name for the proposed
58 improvement, the general nature of the proposed improvement, the estimated cost
59 of such improvement, the boundaries of the proposed neighborhood improvement
60 district to be assessed, the proposed method or methods of assessment of real
61 property within the district, including any provision for the annual assessment
62 of maintenance costs of the improvement in each year during the term of the
63 bonds issued for the original improvement and after such bonds are paid in full,
64 a notice that the names of the signers may not be withdrawn later than seven
65 days after the petition is filed with the city clerk or county clerk, and a notice
66 that the final cost of such improvement assessed against real property within the
67 district and the amount of general obligation bonds issued therefor shall not
68 exceed the estimated cost of such improvement, as stated in such petition, by
69 more than twenty-five percent, and that the annual assessment for maintenance
70 costs of the improvements shall not exceed the estimated annual maintenance
71 cost, as stated in such petition, by more than twenty-five percent.

72 4. Upon receiving the requisite voter approval at an election or upon the
73 filing of a proper petition with the city clerk or county clerk, the governing body
74 may by resolution or ordinance determine the advisability of the improvement
75 and may order that the district be established and that preliminary plans and
76 specifications for the improvement be made. Such resolution or ordinance shall
77 state and make findings as to the project name for the proposed improvement, the
78 nature of the improvement, the estimated cost of such improvement, the
79 boundaries of the neighborhood improvement district to be assessed, the proposed
80 method or methods of assessment of real property within the district, including
81 any provision for the annual assessment of maintenance costs of the improvement
82 in each year after the bonds issued for the original improvement are paid in full,
83 and shall also state that the final cost of such improvement assessed against the

84 real property within the neighborhood improvement district and the amount of
85 general obligation bonds issued therefor shall not, without a new election or
86 petition, exceed the estimated cost of such improvement by more than twenty-five
87 percent.

88 5. The boundaries of the proposed district shall be described by metes and
89 bounds, streets or other sufficiently specific description. The area of the
90 neighborhood improvement district finally determined by the governing body of
91 the city or county to be assessed may be less than, but shall not exceed, the total
92 area comprising such district.

93 6. In any neighborhood improvement district organized prior to August
94 28, 1994, an assessment may be levied and collected after the original period
95 approved for assessment of property within the district has expired, with the
96 proceeds thereof used solely for maintenance of the improvement, if the residents
97 of the neighborhood improvement district either vote to assess real property
98 within the district for the maintenance costs in the manner prescribed in
99 subsection 2 of this section or if the owners of two-thirds of the area of all real
100 property located within the district sign a petition for such purpose in the same
101 manner as prescribed in subsection 3 of this section.

67.463. 1. At the hearing to consider the proposed improvements and
2 assessments, the governing body shall hear and pass upon all objections to the
3 proposed improvements and proposed assessments, if any, and may amend the
4 proposed improvements, and the plans and specifications therefor, or assessments
5 as to any property, and thereupon by ordinance or resolution the governing body
6 of the city or county shall order that the improvement be made and direct that
7 financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

8 2. After construction of the improvement has been completed in
9 accordance with the plans and specifications therefor, the governing body shall
10 compute the final costs of the improvement and apportion the costs among the
11 property benefited by such improvement in such equitable manner as the
12 governing body shall determine, charging each parcel of property with its
13 proportionate share of the costs, and by resolution or ordinance, assess the final
14 cost of the improvement or the amount of general obligation bonds issued or to
15 be issued therefor as special assessments against the property described in the
16 assessment roll.

17 3. After the passage or adoption of the ordinance or resolution assessing
18 the special assessments, the city clerk or county clerk shall mail a notice to each
19 property owner within the district which sets forth a description of each parcel
20 of real property to be assessed which is owned by such owner, the special
21 assessment assigned to such property, and a statement that the property owner

22 may pay such assessment in full, together with interest accrued thereon from the
23 effective date of such ordinance or resolution, on or before a specified date
24 determined by the effective date of the ordinance or resolution, or may pay such
25 assessment in annual installments as provided in subsection 4 of this section.

26 4. The special assessments shall be assessed upon the property included
27 therein concurrent with general property taxes, and shall be payable in
28 substantially equal annual installments for a duration stated in the ballot
29 measure prescribed in subsection 2 of section 67.457 or in the petition prescribed
30 in subsection 3 of section 67.457, and, if authorized, an assessment in each year
31 thereafter levied and collected in the same manner with the proceeds thereof used
32 solely for maintenance of the improvement, taking into account such assessments
33 and interest thereon, as the governing body determines. The first installment
34 shall be payable after the first collection of general property taxes following the
35 adoption of the assessment ordinance or resolution unless such ordinance or
36 resolution was adopted and certified too late to permit its collection at such time.
37 All assessments shall bear interest at such rate as the governing body
38 determines, not to exceed the rate permitted for bonds by section 108.170,
39 RSMo. Interest on the assessment between the effective date of the ordinance or
40 resolution assessing the assessment and the date the first installment is payable
41 shall be added to the first installment. The interest for one year on all unpaid
42 installments shall be added to each subsequent installment until paid. In the
43 case of a special assessment by a city, all of the installments, together with the
44 interest accrued or to accrue thereon, may be certified by the city clerk to the
45 county clerk in one instrument at the same time. Such certification shall be good
46 for all of the installments, and the interest thereon payable as special
47 assessments.

48 5. Special assessments shall be collected and paid over to the city
49 treasurer or county treasurer in the same manner as taxes of the city or county
50 are collected and paid. **In any county of the first classification with more
51 than one hundred thirty-five thousand four hundred but fewer than one
52 hundred thirty-five thousand five hundred inhabitants, the county
53 collector may collect a fee as prescribed by section 52.260, RSMo, for
54 collection of assessments under this section.**

67.797. 1. When a regional recreational district is organized in only one
2 county, the executive, as that term is defined in subdivision (4) of section 67.750,
3 with the advice and consent of the governing body of the county shall appoint a
4 board of directors for the district consisting of seven persons, chosen from the
5 residents of the district. Where the district is in more than one county, the
6 executives, as defined in subdivision (4) of section 67.750, of the counties in the

7 district [shall], with the advice and consent of the governing bodies of each
8 county shall, as nearly as practicable, evenly appoint such members and allocate
9 staggered terms pursuant to subsection 2 of this section, with the county having
10 the largest area within the district appointing a greater number of directors if the
11 directors cannot be appointed evenly. No member of the governing body of the
12 county or official of any municipal government located within the district shall
13 be a member of the board and no director shall receive compensation for
14 performance of duties as a director. Members of the board of directors shall be
15 citizens of the United States and they shall reside within the district. No board
16 member shall be interested directly or indirectly in any contract entered into
17 pursuant to sections 67.792 to 67.799.

18 2. The directors appointed to the regional recreation district shall hold
19 office for three-year terms, except that of the members first appointed, two shall
20 hold office for one year, two shall hold office for two years and three shall hold
21 office for three years. The executives of the counties within the regional
22 recreational district shall meet to determine and implement a fair allocation of
23 the staggered terms among the counties, provided that counties eligible to appoint
24 more than one board member may not appoint board members with identical
25 initial terms until each of a one-year, two-year and three-year initial term has
26 been applied to such county. On the expiration of such initial terms of
27 appointment and on the expiration of any subsequent term, the resulting
28 vacancies shall be filled by the executives of the respective counties, with the
29 advice and consent of the respective governing bodies. All vacancies on the board
30 shall be filled in the same manner for the duration of the term being
31 filled. Board members shall serve until their successors are named and such
32 successors have commenced their terms as board members. Board members shall
33 be eligible for reappointment. Upon the petition of the county executive of the
34 county from which the board member received his or her appointment, the
35 governing body of the county may remove any board member for misconduct or
36 neglect of duties.

37 3. Notwithstanding any other provision of sections 67.750 to 67.799, to the
38 contrary, after August 28, 2004, in any district located in whole or in part in any
39 county of the first classification with more than one hundred eighty-four thousand
40 but less than one hundred eighty-eight thousand inhabitants, upon the expiration
41 of such initial terms of appointment and on the expiration of any subsequent
42 term, the resulting vacancies shall be filled by election at the next regularly
43 scheduled election date throughout the district. In the event that a vacancy
44 exists before the expiration of a term, the governing body of the county shall
45 appoint a member for the remainder of the unexpired term. Board members shall

46 be elected for terms of three years. Such elections shall be held according to this
47 section and the applicable laws of this state. If no person files as a candidate for
48 election to the vacant office within the applicable deadline for filing as a
49 candidate, then the governing body of any such county shall appoint a person to
50 be a member of the board for a term of three years. Any appointed board
51 members shall be eligible to run for office.

52 4. Directors shall immediately after their appointment meet and organize
53 by the election of one of their number president, and by the election of such other
54 officers as they may deem necessary. The directors shall make and adopt such
55 bylaws, rules and regulations for their guidance and for the government of the
56 parks, neighborhood trails and recreational grounds and facilities as may be
57 expedient, not inconsistent with sections 67.792 to 67.799. They shall have the
58 exclusive control of the expenditures of all money collected to the credit of the
59 regional recreational fund and of the supervision, improvement, care and custody
60 of public parks, neighborhood trails, recreational facilities and grounds owned,
61 maintained or managed by the district. All moneys received for such purposes
62 shall be deposited in the treasury of the county containing the largest portion of
63 the district to the credit of the regional recreational fund and shall be kept
64 separate and apart from the other moneys of such county. Such board shall have
65 power to purchase or otherwise secure ground to be used for such parks,
66 neighborhood trails, recreational grounds and facilities, shall have power to
67 appoint suitable persons to maintain such parks, neighborhood trails and
68 recreational facilities and administer recreational programs and fix their
69 compensation, and shall have power to remove such appointees.

70 5. The board of directors may issue debt for the district pursuant to
71 section 67.798.

72 6. If a county, or a portion of a county, not previously part of any district,
73 shall enter a district, the executives of the new member county and any previous
74 member counties shall promptly meet to apportion the board seats among the
75 counties participating in the enlarged district. All purchases in excess of ten
76 thousand dollars used in the construction or maintenance of any public park,
77 neighborhood trail or recreational facility in the regional recreation district shall
78 be made pursuant to the lowest and best bid standard as provided in section
79 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided
80 in section 34.042, RSMo. The board of the district shall have the same discretion,
81 powers and duties as the commissioner of administration has in sections 34.040
82 and 34.042, RSMo.

83 7. **Notwithstanding any other provisions in this section to the**
84 **contrary, when a regional recreational district is organized in only one**

85 county on land owned solely by the county, the governing body of the
 86 county shall have exclusive control of the expenditures of all moneys
 87 collected to the credit of the regional recreational fund, and of the
 88 supervision, improvement, care, and custody of public parks,
 89 neighborhood trails, recreational facilities, and grounds owned,
 90 maintained, or managed by the county within the district.

67.997. 1. The governing body of any county of the third
 2 classification without a township form of government and with more
 3 than eighteen thousand one hundred but fewer than eighteen thousand
 4 two hundred inhabitants may impose, by order or ordinance, a sales tax
 5 on all retail sales made within the county which are subject to sales tax
 6 under chapter 144, RSMo. The tax authorized in this section shall not
 7 exceed one-fourth of one percent, and shall be imposed solely for the
 8 purpose of funding senior services and youth programs provided by the
 9 county. One-half of all revenue collected under this section, less one-
 10 half the cost of collection shall be used solely to fund any service or
 11 activity deemed necessary by the senior service tax commission
 12 established in this section, and one-half of all revenue collected under
 13 this section, less one-half the cost of collection shall be used solely to
 14 fund all youth programs administered by an existing county community
 15 task force. The tax authorized in this section shall be in addition to all
 16 other sales taxes imposed by law, and shall be stated separately from
 17 all other charges and taxes. The order or ordinance shall not become
 18 effective unless the governing body of the county submits to the voters
 19 residing within the county at a state general, primary, or special
 20 election a proposal to authorize the governing body of the county to
 21 impose a tax under this section.

22 2. The ballot of submission for the tax authorized in this section
 23 shall be in substantially the following form:

24 Shall (insert the name of the
 25 county) impose a sales tax at a rate of (insert rate of percent)
 26 percent, with half of the revenue from the tax, less one-half the cost of
 27 collection, to be used solely to fund senior services provided by the
 28 county and half of the revenue from the tax, less one-half the cost of
 29 collection, to be used solely to fund youth programs provided by the
 30 county?

31 YES NO

32 If you are in favor of the question, place an "X" in the box opposite
 33 "YES". If you are opposed to the question, place an "X" in the box

34 **opposite "NO".**

35 **If a majority of the votes cast on the question by the qualified voters**
36 **voting thereon are in favor of the question, then the tax shall become**
37 **effective on the first day of the second calendar quarter immediately**
38 **following the approval of the tax or notification to the department of**
39 **revenue. If a majority of the votes cast on the question by the qualified**
40 **voters voting thereon are opposed to the question, then the tax shall**
41 **not become effective unless and until the question is resubmitted under**
42 **this section to the qualified voters and such question is approved by a**
43 **majority of the qualified voters voting on the question.**

44 **3. On or after the effective date of any tax authorized under this**
45 **section, the county which imposed the tax shall enter into an**
46 **agreement with the director of the department of revenue for the**
47 **purpose of collecting the tax authorized in this section. On or after the**
48 **effective date of the tax the director of revenue shall be responsible for**
49 **the administration, collection, enforcement, and operation of the tax,**
50 **and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected**
51 **under this section by the director of the department of revenue on**
52 **behalf of any county, except for one percent for the cost of collection**
53 **which shall be deposited in the state's general revenue fund, shall be**
54 **deposited in a special trust fund, which is hereby created and shall be**
55 **known as the "Senior Services and Youth Programs Sales Tax Trust**
56 **Fund", and shall be used solely for the designated purposes. Moneys in**
57 **the fund shall not be deemed to be state funds, and shall not be**
58 **commingled with any funds of the state. The director may make**
59 **refunds from the amounts in the trust fund and credited to the county**
60 **for erroneous payments and overpayments made, and may redeem**
61 **dishonored checks and drafts deposited to the credit of such**
62 **county. Any funds in the special trust fund which are not needed for**
63 **current expenditures shall be invested in the same manner as other**
64 **funds are invested. Any interest and moneys earned on such**
65 **investments shall be credited to the fund.**

66 **4. In order to permit sellers required to collect and report the**
67 **sales tax to collect the amount required to be reported and remitted,**
68 **but not to change the requirements of reporting or remitting the tax,**
69 **or to serve as a levy of the tax, and in order to avoid fractions of**
70 **pennies, the governing body of the county may authorize the use of a**
71 **bracket system similar to that authorized in section 144.285, RSMo, and**
72 **notwithstanding the provisions of that section, this new bracket system**

73 shall be used where this tax is imposed and shall apply to all taxable
 74 transactions. Beginning with the effective date of the tax, every
 75 retailer in the county shall add the sales tax to the sale price, and this
 76 tax shall be a debt of the purchaser to the retailer until paid, and shall
 77 be recoverable at law in the same manner as the purchase price. For
 78 purposes of this section, all retail sales shall be deemed to be
 79 consummated at the place of business of the retailer.

80 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
 81 governing the state sales tax, and section 32.057, RSMo, the uniform
 82 confidentiality provision, shall apply to the collection of the tax, and
 83 all exemptions granted to agencies of government, organizations, and
 84 persons under sections 144.010 to 144.525, RSMo, are hereby made
 85 applicable to the imposition and collection of the tax. The same sales
 86 tax permit, exemption certificate, and retail certificate required by
 87 sections 144.010 to 144.525, RSMo, for the administration and collection
 88 of the state sales tax shall satisfy the requirements of this section, and
 89 no additional permit or exemption certificate or retail certificate shall
 90 be required; except that, the director of revenue may prescribe a form
 91 of exemption certificate for an exemption from the tax. All discounts
 92 allowed the retailer under the state sales tax for the collection of and
 93 for payment of taxes are hereby allowed and made applicable to the
 94 tax. The penalties for violations provided in section 32.057, RSMo, and
 95 sections 144.010 to 144.525, RSMo, are hereby made applicable to
 96 violations of this section. If any person is delinquent in the payment
 97 of the amount required to be paid under this section, or in the event a
 98 determination has been made against the person for taxes and penalty
 99 under this section, the limitation for bringing suit for the collection of
 100 the delinquent tax and penalty shall be the same as that provided in
 101 sections 144.010 to 144.525, RSMo.

102 6. The governing body of any county that has adopted the sales
 103 tax authorized in this section may submit the question of repeal of the
 104 tax to the voters on any date available for elections for the county. The
 105 ballot of submission shall be in substantially the following form:

106 Shall (insert the name of the county)
 107 repeal the sales tax imposed at a rate of (insert rate of percent)
 108 percent for the purpose of funding senior services and youth programs
 109 provided by the county?

110 YES NO

111 If you are in favor of the question, place an "X" in the box opposite

112 **"YES". If you are opposed to the question, place an "X" in the box**
113 **opposite "NO".**

114 **If a majority of the votes cast on the question by the qualified voters**
115 **voting thereon are in favor of repeal, that repeal shall become effective**
116 **on December thirty-first of the calendar year in which such repeal was**
117 **approved. If a majority of the votes cast on the question by the**
118 **qualified voters voting thereon are opposed to the repeal, then the sales**
119 **tax authorized in this section shall remain effective until the question**
120 **is resubmitted under this section to the qualified voters and the repeal**
121 **is approved by a majority of the qualified voters voting on the question.**

122 **7. Whenever the governing body of any county that has adopted**
123 **the sales tax authorized in this section receives a petition, signed by**
124 **ten percent of the registered voters of the county voting in the last**
125 **gubernatorial election, calling for an election to repeal the sales tax**
126 **imposed under this section, the governing body shall submit to the**
127 **voters of the county a proposal to repeal the tax. If a majority of the**
128 **votes cast on the question by the qualified voters voting thereon are in**
129 **favor of the repeal, the repeal shall become effective on December**
130 **thirty-first of the calendar year in which such repeal was approved. If**
131 **a majority of the votes cast on the question by the qualified voters**
132 **voting thereon are opposed to the repeal, then the sales tax authorized**
133 **in this section shall remain effective until the question is resubmitted**
134 **under this section to the qualified voters and the repeal is approved by**
135 **a majority of the qualified voters voting on the question.**

136 **8. If the tax is repealed or terminated by any means, all funds**
137 **remaining in the special trust fund shall continue to be used solely for**
138 **the designated purposes, and the county shall notify the director of the**
139 **department of revenue of the action at least thirty days before the**
140 **effective date of the repeal and the director may order retention in the**
141 **trust fund, for a period of one year, of two percent of the amount**
142 **collected after receipt of such notice to cover possible refunds or**
143 **overpayment of the tax and to redeem dishonored checks and drafts**
144 **deposited to the credit of such accounts. After one year has elapsed**
145 **after the effective date of abolition of the tax in such county, the**
146 **director shall remit the balance in the account to the county and close**
147 **the account of that county. The director shall notify each county of**
148 **each instance of any amount refunded or any check redeemed from**
149 **receipts due the county.**

150 **9. Each county imposing the tax authorized in this section shall**

151 **establish a senior services tax commission to administer the portion of**
152 **the sales tax revenue dedicated to providing senior services. Such**
153 **commission shall consist of seven members appointed by the county**
154 **commission. The county commission shall determine the qualifications,**
155 **terms of office, compensation, powers, duties, restrictions, procedures,**
156 **and all other necessary functions of the commission.**

67.1000. 1. The governing body of any county or of any city which is the
2 county seat of any county or which now or hereafter has a population of more
3 than three thousand five hundred inhabitants and which has heretofore been
4 authorized by the general assembly, or of any other city which has a population
5 of more than eighteen thousand and less than forty-five thousand inhabitants
6 located in a county of the first classification with a population over two hundred
7 thousand adjacent to a county of the first classification with a population over
8 nine hundred thousand, may impose a tax on the charges for all sleeping rooms
9 paid by the transient guests of hotels or motels situated in the city or county,
10 which shall be not more than five percent per occupied room per night, except
11 that such tax shall not become effective unless the governing body of the city or
12 county submits to the voters of the city or county at an election permitted under
13 section 115.123, RSMo, a proposal to authorize the governing body of the city or
14 county to impose a tax under the provisions of this section and section
15 67.1002. The tax authorized by this section and section 67.1002 shall be in
16 addition to the charge for the sleeping room and shall be in addition to any and
17 all taxes imposed by law and the proceeds of such tax shall be used by the city
18 or county solely for funding a convention and visitors bureau which shall be a
19 general not-for-profit organization with whom the city or county has contracted,
20 and which is established for the purpose of promoting the city or county as a
21 convention, visitor and tourist center. Such tax shall be stated separately from
22 all other charges and taxes.

23 **2. In any county of the third classification without a township**
24 **form of government and with more than forty-one thousand one**
25 **hundred but fewer than forty-one thousand two hundred inhabitants,**
26 **"transient guests", as used in this section and section 67.1002, means a**
27 **person or persons who occupy a room or rooms in a hotel or motel for**
28 **ninety days or less during any calendar quarter.**

[67.1000. The governing body of any county or of any city
2 which is the county seat of any county or which now or hereafter
3 has a population of more than three thousand five hundred
4 inhabitants and which has heretofore been authorized by the
5 general assembly, or of any city which has a population of at least

6 seventeen thousand but not more than forty-five thousand
7 inhabitants located in a county of the first classification with a
8 charter form of government with a population of at least two
9 hundred thousand inhabitants but not more than three hundred
10 thousand inhabitants may impose a tax on the charges for all
11 sleeping rooms paid by the transient guests of hotels or motels
12 situated in the city or county, which shall be not more than five
13 percent per occupied room per night, except that such tax shall not
14 become effective unless the governing body of the city or county
15 submits to the voters of the city or county at an election permitted
16 pursuant to section 115.123, RSMo, a proposal to authorize the
17 governing body of the city or county to impose a tax pursuant to
18 the provisions of this section and section 67.1002. The tax
19 authorized by this section and section 67.1002 shall be in addition
20 to the charge for the sleeping room and shall be in addition to any
21 and all taxes imposed by law and the proceeds of such tax shall be
22 used by the city or county solely for funding a convention and
23 visitors bureau which shall be a general not-for-profit organization
24 with whom the city or county has contracted, and which is
25 established for the purpose of promoting the city or county as a
26 convention, visitor and tourist center. Such tax shall be stated
27 separately from all other charges and taxes.]

67.1003. 1. The governing body of any city or county, other than a city or
2 county already imposing a tax on the charges for all sleeping rooms paid by the
3 transient guests of hotels and motels situated in such city or county or a portion
4 thereof pursuant to any other law of this state, having more than three hundred
5 fifty hotel and motel rooms inside such city or county or (1) a county of the third
6 classification with a population of more than seven thousand but less than seven
7 thousand four hundred inhabitants; (2) or a third class city with a population of
8 greater than ten thousand but less than eleven thousand located in a county of
9 the third classification with a township form of government with a population of
10 more than thirty thousand; (3) or a county of the third classification with a
11 township form of government with a population of more than twenty thousand but
12 less than twenty-one thousand; (4) or any third class city with a population of
13 more than eleven thousand but less than thirteen thousand which is located in
14 a county of the third classification with a population of more than twenty-three
15 thousand but less than twenty-six thousand; (5) or any city of the third
16 classification with more than ten thousand five hundred but fewer than ten
17 thousand six hundred inhabitants; **(6) or any city of the third classification**

18 **with more than twenty-six thousand three hundred but fewer than**
19 **twenty-six thousand seven hundred inhabitants** may impose a tax on the
20 charges for all sleeping rooms paid by the transient guests of hotels or motels
21 situated in the city or county or a portion thereof, which shall be not more than
22 five percent per occupied room per night, except that such tax shall not become
23 effective unless the governing body of the city or county submits to the voters of
24 the city or county at a state general or primary election a proposal to authorize
25 the governing body of the city or county to impose a tax pursuant to this
26 section. The tax authorized by this section shall be in addition to the charge for
27 the sleeping room and shall be in addition to any and all taxes imposed by law
28 and the proceeds of such tax shall be used by the city or county solely for the
29 promotion of tourism. Such tax shall be stated separately from all other charges
30 and taxes.

31 2. Notwithstanding any other provision of law to the contrary, the tax
32 authorized in this section shall not be imposed in any city or county already
33 imposing such tax pursuant to any other law of this state, except that cities of the
34 third class having more than two thousand five hundred hotel and motel rooms,
35 and located in a county of the first classification in which and where another tax
36 on the charges for all sleeping rooms paid by the transient guests of hotels and
37 motels situated in such county is imposed, may impose the tax authorized by this
38 section of not more than one-half of one percent per occupied room per night.

39 3. The ballot of submission for the tax authorized in this section shall be
40 in substantially the following form:

41 Shall (insert the name of the city or county) impose a tax on the charges
42 for all sleeping rooms paid by the transient guests of hotels and motels situated
43 in (name of city or county) at a rate of (insert rate of percent) percent for the sole
44 purpose of promoting tourism?

45 YES NO

46 4. As used in this section, "transient guests" means a person or persons
47 who occupy a room or rooms in a hotel or motel for thirty-one days or less during
48 any calendar quarter.

67.1181. Any political subdivision authorized by this chapter to
2 **collect and expend tax revenues imposed by such political subdivision**
3 **for the advertising and promotion of tourism shall perform, or cause to**
4 **be performed, an audit of its finances at least once every five calendar**
5 **years if no other statutory auditing requirement exists for such**
6 **political subdivision. The political subdivision shall pay the actual cost**
7 **of the audit from the revenues for operating costs. The first such audit**
8 **required by this section shall be completed no later than January 1,**

9 2009.

67.1360. The governing body of:

2 (1) A city with a population of more than seven thousand and less than
3 seven thousand five hundred;

4 (2) A county with a population of over nine thousand six hundred and less
5 than twelve thousand which has a total assessed valuation of at least sixty-three
6 million dollars, if the county submits the issue to the voters of such county prior
7 to January 1, 2003;

8 (3) A third class city which is the county seat of a county of the third
9 classification without a township form of government with a population of at least
10 twenty-five thousand but not more than thirty thousand inhabitants;

11 (4) Any fourth class city having, according to the last federal decennial
12 census, a population of more than one thousand eight hundred fifty inhabitants
13 but less than one thousand nine hundred fifty inhabitants in a county of the first
14 classification with a charter form of government and having a population of
15 greater than six hundred thousand but less than nine hundred thousand
16 inhabitants;

17 (5) Any city having a population of more than three thousand but less
18 than eight thousand inhabitants in a county of the fourth classification having
19 a population of greater than forty-eight thousand inhabitants;

20 (6) Any city having a population of less than two hundred fifty inhabitants
21 in a county of the fourth classification having a population of greater than
22 forty-eight thousand inhabitants;

23 (7) Any fourth class city having a population of more than two thousand
24 five hundred but less than three thousand inhabitants in a county of the third
25 classification having a population of more than twenty-five thousand but less
26 than twenty-seven thousand inhabitants;

27 (8) Any third class city with a population of more than three thousand two
28 hundred but less than three thousand three hundred located in a county of the
29 third classification having a population of more than thirty-five thousand but less
30 than thirty-six thousand;

31 (9) Any county of the second classification without a township form of
32 government and a population of less than thirty thousand;

33 (10) Any city of the fourth class in a county of the second classification
34 without a township form of government and a population of less than thirty
35 thousand;

36 (11) Any county of the third classification with a township form of
37 government and a population of at least twenty-eight thousand but not more than
38 thirty thousand;

39 (12) Any city of the fourth class with a population of more than one
40 thousand eight hundred but less than two thousand in a county of the third
41 classification with a township form of government and a population of at least
42 twenty-eight thousand but not more than thirty thousand;

43 (13) Any city of the third class with a population of more than seven
44 thousand two hundred but less than seven thousand five hundred within a county
45 of the third classification with a population of more than twenty-one thousand but
46 less than twenty-three thousand;

47 (14) Any fourth class city having a population of more than two thousand
48 eight hundred but less than three thousand one hundred inhabitants in a county
49 of the third classification with a township form of government having a
50 population of more than eight thousand four hundred but less than nine thousand
51 inhabitants;

52 (15) Any fourth class city with a population of more than four hundred
53 seventy but less than five hundred twenty inhabitants located in a county of the
54 third classification with a population of more than fifteen thousand nine hundred
55 but less than sixteen thousand inhabitants;

56 (16) Any third class city with a population of more than three thousand
57 eight hundred but less than four thousand inhabitants located in a county of the
58 third classification with a population of more than fifteen thousand nine hundred
59 but less than sixteen thousand inhabitants;

60 (17) Any fourth class city with a population of more than four thousand
61 three hundred but less than four thousand five hundred inhabitants located in
62 a county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two
64 hundred inhabitants;

65 (18) Any fourth class city with a population of more than two thousand
66 four hundred but less than two thousand six hundred inhabitants located in a
67 county of the first classification without a charter form of government with a
68 population of more than fifty-five thousand but less than sixty thousand
69 inhabitants;

70 (19) Any fourth class city with a population of more than two thousand
71 five hundred but less than two thousand six hundred inhabitants located in a
72 county of the third classification with a population of more than nineteen
73 thousand one hundred but less than nineteen thousand two hundred inhabitants;

74 (20) Any county of the third classification without a township form of
75 government with a population greater than sixteen thousand but less than
76 sixteen thousand two hundred inhabitants;

77 (21) Any county of the second classification with a population of more

78 than forty-four thousand but less than fifty thousand inhabitants;

79 (22) Any third class city with a population of more than nine thousand
80 five hundred but less than nine thousand seven hundred inhabitants located in
81 a county of the first classification without a charter form of government and with
82 a population of more than one hundred ninety-eight thousand but less than one
83 hundred ninety-eight thousand two hundred inhabitants;

84 (23) Any city of the fourth classification with more than five thousand two
85 hundred but less than five thousand three hundred inhabitants located in a
86 county of the third classification without a township form of government and with
87 more than twenty-four thousand five hundred but less than twenty-four thousand
88 six hundred inhabitants;

89 (24) Any third class city with a population of more than nineteen
90 thousand nine hundred but less than twenty thousand in a county of the first
91 classification without a charter form of government and with a population of more
92 than one hundred ninety-eight thousand but less than one hundred ninety-eight
93 thousand two hundred inhabitants;

94 (25) Any city of the fourth classification with more than two thousand six
95 hundred but less than two thousand seven hundred inhabitants located in any
96 county of the third classification without a township form of government and with
97 more than fifteen thousand three hundred but less than fifteen thousand four
98 hundred inhabitants;

99 (26) Any county of the third classification without a township form of
100 government and with more than fourteen thousand nine hundred but less than
101 fifteen thousand inhabitants;

102 (27) Any city of the fourth classification with more than five thousand four
103 hundred but fewer than five thousand five hundred inhabitants and located in
104 more than one county;

105 (28) Any city of the fourth classification with more than six thousand
106 three hundred but fewer than six thousand five hundred inhabitants and located
107 in more than one county **through the creation of a tourism district which**
108 **may include, in addition to the geographic area of such city, the area**
109 **encompassed by the portion of the school district, located within a**
110 **county of the first classification with more than ninety-three thousand**
111 **eight hundred but fewer than ninety-three thousand nine hundred**
112 **inhabitants, having an average daily attendance for school year 2005-**
113 **2006 between one thousand eight hundred and one thousand nine**
114 **hundred inhabitants;**

115 (29) Any city of the fourth classification with more than seven thousand
116 seven hundred but less than seven thousand eight hundred inhabitants located

117 in a county of the first classification with more than ninety-three thousand eight
118 hundred but less than ninety-three thousand nine hundred inhabitants;

119 (30) Any city of the fourth classification with more than two thousand
120 nine hundred but less than three thousand inhabitants located in a county of the
121 first classification with more than seventy-three thousand seven hundred but less
122 than seventy-three thousand eight hundred inhabitants; [or]

123 (31) Any city of the third classification with more than nine thousand
124 three hundred but less than nine thousand four hundred inhabitants; or

125 **(32) Any city of the fourth classification with more than three**
126 **thousand eight hundred but fewer than three thousand nine hundred**
127 **inhabitants and located in any county of the first classification with**
128 **more than thirty-nine thousand seven hundred but fewer than**
129 **thirty-nine thousand eight hundred inhabitants;**

130 may impose a tax on the charges for all sleeping rooms paid by the transient
131 guests of hotels, motels, bed and breakfast inns and campgrounds and any
132 docking facility which rents slips to recreational boats which are used by
133 transients for sleeping, which shall be at least two percent, but not more than
134 five percent per occupied room per night, except that such tax shall not become
135 effective unless the governing body of the city or county submits to the voters of
136 the city or county at a state general, primary or special election, a proposal to
137 authorize the governing body of the city or county to impose a tax pursuant to the
138 provisions of this section and section 67.1362. The tax authorized by this section
139 and section 67.1362 shall be in addition to any charge paid to the owner or
140 operator and shall be in addition to any and all taxes imposed by law and the
141 proceeds of such tax shall be used by the city or county solely for funding the
142 promotion of tourism. Such tax shall be stated separately from all other charges
143 and taxes.

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited
2 as the "Community Improvement District Act".

3 2. For the purposes of sections 67.1401 to 67.1571, the following words
4 and terms mean:

5 (1) "Approval" or "approve", for purposes of elections pursuant to sections
6 67.1401 to 67.1571, a simple majority of those qualified voters voting in the
7 election;

8 (2) "Assessed value", the assessed value of real property as reflected on
9 the tax records of the county clerk of the county in which the property is located,
10 or the collector of revenue if the property is located in a city not within a county,
11 as of the last completed assessment;

12 (3) "Blighted area", an area which:

13 (a) By reason of the predominance of defective or inadequate street layout,
14 insanitary or unsafe conditions, deterioration of site improvements, improper
15 subdivision or obsolete platting, or the existence of conditions which endanger life
16 or property by fire and other causes, or any combination of such factors, retards
17 the provision of housing accommodations or constitutes an economic or social
18 liability or a menace to the public health, safety, morals or welfare in its present
19 condition and use; or

20 (b) Has been declared blighted or found to be a blighted area pursuant to
21 Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to
22 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

23 (4) "Board", if the district is a political subdivision, the board of directors
24 of the district, or if the district is a not-for-profit corporation, the board of
25 directors of such corporation;

26 (5) "Director of revenue", the director of the department of revenue of the
27 state of Missouri;

28 (6) "District", a community improvement district, established pursuant to
29 sections 67.1401 to 67.1571;

30 (7) "Election authority", the election authority having jurisdiction over the
31 area in which the boundaries of the district are located pursuant to chapter 115,
32 RSMo;

33 (8) "Municipal clerk", the clerk of the municipality;

34 (9) "Municipality", any city, village, incorporated town, or county of this
35 state, or in any unincorporated area that is located in any county with a charter
36 form of government and with more than one million inhabitants;

37 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or
38 other evidences of indebtedness issued by a district to carry out any of its powers,
39 duties or purposes or to refund outstanding obligations;

40 (11) "Owner", for real property, the individual or individuals or entity or
41 entities who own a fee interest in real property that is located within the district
42 or their legally authorized representative; for business organizations and other
43 entities, the owner shall be deemed to be the individual which is legally
44 authorized to represent the entity in regard to the district;

45 (12) "Per capita", one head count applied to each individual, entity or
46 group of individuals or entities having fee ownership of real property within the
47 district whether such individual, entity or group owns one or more parcels of real
48 property in the district as joint tenants, tenants in common, tenants by the
49 entirety [or], tenants in partnership, **except that with respect to a**
50 **condominium created under sections 448.1-101 to 448.4-120, RSMo, "per**
51 **capita" means one head count applied to the applicable unit owners'**

52 association and not to each unit owner;

53 (13) "Petition", a petition to establish a district as it may be amended in
54 accordance with the requirements of section 67.1421;

55 (14) "Qualified voters",

56 (a) For purposes of elections for approval of real property taxes:

57 a. Registered voters; or

58 b. If no registered voters reside in the district, the owners of one or more
59 parcels of real property which is to be subject to such real property taxes and is
60 located within the district per the tax records for real property of the county
61 clerk, or the collector of revenue if the district is located in a city not within a
62 county, as of the thirtieth day prior to the date of the applicable election;

63 (b) For purposes of elections for approval of business license taxes or sales
64 taxes:

65 a. Registered voters; or

66 b. If no registered voters reside in the district, the owners of one or more
67 parcels of real property located within the district per the tax records for real
68 property of the county clerk as of the thirtieth day before the date of the
69 applicable election; and

70 (c) For purposes of the election of directors of the board, registered voters
71 and owners of real property which is not exempt from assessment or levy of taxes
72 by the district and which is located within the district per the tax records for real
73 property of the county clerk, or the collector of revenue if the district is located
74 in a city not within a county, of the thirtieth day prior to the date of the
75 applicable election; and

76 (15) "Registered voters", persons who reside within the district and who
77 are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to
78 the records of the election authority as of the thirtieth day prior to the date of the
79 applicable election.

67.1451. 1. If a district is a political subdivision, the election and
2 qualifications of members to the district's board of directors shall be in
3 accordance with this section. If a district is a not-for-profit corporation, the
4 election and qualification of members to its board of directors shall be in
5 accordance with chapter 355, RSMo.

6 2. The district shall be governed by a board consisting of at least five but
7 not more than thirty directors. Each director shall, during his or her entire term,
8 be:

9 (1) At least eighteen years of age; and

10 (2) Be either:

11 (a) An owner, as defined in section 67.1401, of real property or of a

12 business operating within the district; or

13 (b) [If in a home rule city with more than one hundred fifty-one thousand
14 five hundred but fewer than one hundred fifty-one thousand six hundred
15 inhabitants, a legally authorized representative of an owner of real property
16 located within the district. If there are less than five owners of real property
17 located within a district, the board may be comprised of up to five legally
18 authorized representatives of any of the owners of real property located within
19 the district; or

20 (c)] A registered voter residing within the district; and

21 (3) Any other qualifications set forth in the petition establishing the
22 district.

23 **If there are fewer than five owners of real property located within a**
24 **district, the board may be comprised of up to five legally authorized**
25 **representatives of any of the owners of real property located within the**
26 **district.**

27 3. If the district is a political subdivision, the board shall be elected or
28 appointed, as provided in the petition.

29 4. If the board is to be elected, the procedure for election shall be as
30 follows:

31 (1) The municipal clerk shall specify a date on which the election shall
32 occur which date shall be a Tuesday and shall not be earlier than the tenth
33 Tuesday, and shall not be later than the fifteenth Tuesday, after the effective
34 date of the ordinance adopted to establish the district;

35 (2) The election shall be conducted in the same manner as provided for in
36 section 67.1551, provided that the published notice of the election shall contain
37 the information required by section 67.1551 for published notices, except that it
38 shall state that the purpose of the election is for the election of directors, in lieu
39 of the information related to taxes;

40 (3) Candidates shall pay the sum of five dollars as a filing fee and shall
41 file not later than the second Tuesday after the effective date of the ordinance
42 establishing the district with the municipal clerk a statement under oath that he
43 or she possesses all of the qualifications set out in this section for a
44 director. Thereafter, such candidate shall have his or her name placed on the
45 ballot as a candidate for director;

46 (4) The director or directors to be elected shall be elected at large. The
47 person receiving the most votes shall be elected to the position having the longest
48 term; the person receiving the second highest votes shall be elected to the
49 position having the next longest term and so forth. For any district formed prior
50 to August 28, 2003, of the initial directors, one-half shall serve for a two-year

51 term, one-half shall serve for a four-year term and if an odd number of directors
52 are elected, the director receiving the least number of votes shall serve for a
53 two-year term, until such director's successor is elected. For any district formed
54 on or after August 28, 2003, for the initial directors, one-half shall serve for a
55 two-year term, and one-half shall serve for the term specified by the district
56 pursuant to subdivision (5) of this subsection, and if an odd number of directors
57 are elected, the director receiving the least number of votes shall serve for a
58 two-year term, until such director's successor is elected;

59 (5) Successor directors shall be elected in the same manner as the initial
60 directors. The date of the election of successor directors shall be specified by the
61 municipal clerk which date shall be a Tuesday and shall not be later than the
62 date of the expiration of the stated term of the expiring director. Each successor
63 director shall serve a term for the length specified prior to the election by the
64 district, which term shall be at least three years and not more than four years,
65 and shall continue until such director's successor is elected. In the event of a
66 vacancy on the board of directors, the remaining directors shall elect an interim
67 director to fill the vacancy for the unexpired term.

68 5. If the petition provides that the board is to be appointed by the
69 municipality, such appointments shall be made by the chief elected officer of the
70 municipality with the consent of the governing body of the municipality. For any
71 district formed prior to August 28, 2003, of the initial appointed directors,
72 one-half of the directors shall be appointed to serve for a two-year term and the
73 remaining one-half shall be appointed to serve for a four-year term until such
74 director's successor is appointed; provided that, if there is an odd number of
75 directors, the last person appointed shall serve a two-year term. For any district
76 formed on or after August 28, 2003, of the initial appointed directors, one-half
77 shall be appointed to serve for a two-year term, and one-half shall be appointed
78 to serve for the term specified by the district for successor directors pursuant to
79 this subsection, and if an odd number of directors are appointed, the last person
80 appointed shall serve for a two-year term; provided that each director shall serve
81 until such director's successor is appointed. Successor directors shall be
82 appointed in the same manner as the initial directors and shall serve for a term
83 of years specified by the district prior to the appointment, which term shall be at
84 least three years and not more than four years.

85 6. If the petition states the names of the initial directors, those directors
86 shall serve for the terms specified in the petition and successor directors shall be
87 determined either by the above-listed election process or appointment process as
88 provided in the petition.

89 7. Any director may be removed for cause by a two-thirds affirmative vote

90 of the directors of the board. Written notice of the proposed removal shall be
91 given to all directors prior to action thereon.

92 8. The board is authorized to act on behalf of the district, subject to
93 approval of qualified voters as required in this section; except that, all official
94 acts of the board shall be by written resolution approved by the board.

**67.1485. 1. Any district organized as a nonprofit corporation may
2 merge with another district organized as a nonprofit
3 organization. Such merger shall be conducted under the procedures for
4 merger provided in chapter 355, RSMo, and shall not become effective
5 unless:**

6 (1) The boundaries of the merging districts are contiguous;

7 (2) The articles of merger required under section 355.361, RSMo,
8 contain a legal description of the surviving district corporation;

9 (3) The term of existence of the surviving district corporation
10 stated in the articles of merger shall be equal to the shortest length of
11 time remaining for existence of either merging district corporation as
12 determined by the applicable ordinances establishing the merging
13 district corporations;

14 (4) A copy of the articles of merger is sent to the department of
15 economic development.

16 2. If two district corporations merge under this section, the
17 board of directors of the surviving district corporation may continue
18 to levy special assessments against such tracts, lots, or parcels listed,
19 and in an amount as provided in, a previously authorized petition
20 under section 67.1521, provided that the level of service stated in such
21 petition is not decreased by the surviving district corporation. A new
22 special assessment petition may be submitted to the surviving district
23 corporation and, if stated in the petition, may supersede or replace the
24 previously authorized special assessment petitions.

25 3. No merger under this section shall be construed to be a
26 petition for termination under section 67.1481 or to invoke a plan of
27 dissolution as provided in section 67.1481.

67.1545. 1. Any district formed as a political subdivision may impose by
2 resolution a district sales and use tax on all retail sales made in such district
3 which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo,
4 except sales of motor vehicles, trailers, boats or outboard motors and sales to
5 public utilities. Any sales and use tax imposed pursuant to this section may be
6 imposed in increments of one-eighth of one percent, up to a maximum of one
7 percent. Such district sales and use tax may be imposed for any district purpose

8 designated by the district in its ballot of submission to its qualified voters; except
9 that, no resolution adopted pursuant to this section shall become effective unless
10 the board of directors of the district submits to the qualified voters of the district,
11 by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this
12 section. If a majority of the votes cast by the qualified voters on the proposed
13 sales tax are in favor of the sales tax, then the resolution is adopted. If a
14 majority of the votes cast by the qualified voters are opposed to the sales tax,
15 then the resolution is void.

16 2. The ballot shall be substantially in the following form:

17 Shall the (insert name of district) Community
18 Improvement District impose a community improvement districtwide sales and
19 use tax at the maximum rate of (insert amount) for a period of
20 (insert number) years from the date on which such tax is first imposed
21 for the purpose of providing revenue for (insert
22 general description of the purpose)?

23 YES NO

24 If you are in favor of the question, place an "X" in the box opposite "YES". If you
25 are opposed to the question, place an "X" in the box opposite "NO".

26 3. Within ten days after the qualified voters have approved the imposition
27 of the sales and use tax, the district shall, in accordance with section [32.097]
28 **32.087**, RSMo, notify the director of the department of revenue. The sales and
29 use tax authorized by this section shall become effective on the first day of the
30 second calendar quarter after the director of the department of revenue receives
31 notice of the adoption of such tax.

32 4. The director of the department of revenue shall collect any tax adopted
33 pursuant to this section pursuant to section 32.087, RSMo.

34 5. In each district in which a sales and use tax is imposed pursuant to
35 this section, every retailer shall add such additional tax imposed by the district
36 to such retailer's sale price, and when so added such tax shall constitute a part
37 of the purchase price, shall be a debt of the purchaser to the retailer until paid
38 and shall be recoverable at law in the same manner as the purchase price.

39 6. In order to allow retailers to collect and report the sales and use tax
40 authorized by this section as well as all other sales and use taxes required by law
41 in the simplest and most efficient manner possible, a district may establish
42 appropriate brackets to be used in the district imposing a tax pursuant to this
43 section in lieu of the brackets provided in section 144.285, RSMo.

44 7. The penalties provided in sections 144.010 to 144.525, RSMo, shall
45 apply to violations of this section.

46 8. All revenue received by the district from a sales and use tax imposed

47 pursuant to this section which is designated for a specific purpose shall be
48 deposited into a special trust fund and expended solely for such purpose. Upon
49 the expiration of any sales and use tax adopted pursuant to this section, all funds
50 remaining in the special trust fund shall continue to be used solely for the
51 specific purpose designated in the resolution adopted by the qualified voters. Any
52 funds in such special trust fund which are not needed for current expenditures
53 may be invested by the board of directors pursuant to applicable laws relating to
54 the investment of other district funds.

55 9. A district may repeal by resolution any sales and use tax imposed
56 pursuant to this section before the expiration date of such sales and use tax
57 unless the repeal of such sales and use tax will impair the district's ability to
58 repay any liabilities the district has incurred, moneys the district has borrowed
59 or obligation the district has issued to finance any improvements or services
60 rendered for the district.

61 **10. Notwithstanding the provisions of chapter 115, RSMo, an**
62 **election for a district sales and use tax under this section shall be**
63 **conducted in accordance with the provisions of this section.**

67.1561. No lawsuit to set aside a district established, or a special
2 assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise
3 question the validity of the proceedings related thereto shall be brought after the
4 expiration of ninety days from the effective date of the ordinance establishing
5 such district in question or the effective date of the resolution levying such
6 special assessment or tax in question **or the effective date of a merger of**
7 **two districts under section 67.1485.**

67.2040. 1. **The governing body of any county of the third**
2 **classification without a township form of government and with more**
3 **than forty-one thousand one hundred but fewer than forty-one**
4 **thousand two hundred inhabitants may impose, by order or ordinance,**
5 **a sales tax on all retail sales made within the county which are subject**
6 **to sales tax under chapter 144, RSMo. The tax authorized in this**
7 **section shall be equal to one-eighth of one percent, and shall be**
8 **imposed solely for the purpose of funding construction for a shelter for**
9 **women and children, as defined in section 455.200, RSMo. The tax**
10 **authorized in this section shall be in addition to all other sales taxes**
11 **imposed by law, and shall be stated separately from all other charges**
12 **and taxes. The order or ordinance shall not become effective unless the**
13 **governing body of the county submits to the voters residing within the**
14 **county at a state general, primary, or special election, a proposal to**
15 **authorize the governing body of the county to impose a tax under this**

16 section.

17 2. The ballot of submission for the tax authorized in this section
18 shall be in substantially the following form:

19 Shall (insert the name of the
20 political subdivision) impose a sales tax at a rate of (insert rate of
21 percent) percent, solely for the purpose of funding construction for a
22 shelter for women and children?

23 YES NO

24 If you are in favor of the question, place an "X" in the box opposite
25 "YES". If you are opposed to the question, place an "X" in the box
26 opposite "NO".

27 If a majority of the votes cast on the question by the qualified voters
28 voting thereon are in favor of the question, then the tax shall become
29 effective on the first day of the second calendar quarter immediately
30 following notification to the department of revenue. If a majority of the
31 votes cast on the question by the qualified voters voting thereon are
32 opposed to the question, then the tax shall not become effective unless
33 and until the question is resubmitted under this section to the qualified
34 voters and such question is approved by a majority of the qualified
35 voters voting on the question.

36 3. All revenue collected under this section by the director of the
37 department of revenue on behalf of any county, except for one percent
38 for the cost of collection which shall be deposited in the state's general
39 revenue fund, shall be deposited in a special trust fund, which is
40 hereby created and shall be known as the "Women's and Children's
41 Shelter Sales Tax Fund", and shall be used solely for the designated
42 purposes. Moneys in the fund shall not be deemed to be state funds,
43 and shall not be commingled with any funds of the state. The director
44 may make refunds from the amounts in the trust fund and credited to
45 the county for erroneous payments and overpayments made, and may
46 redeem dishonored checks and drafts deposited to the credit of such
47 county. Any funds in the special trust fund which are not needed for
48 current expenditures shall be invested in the same manner as other
49 funds are invested. Any interest and moneys earned on such
50 investments shall be credited to the fund.

51 4. On or after the effective date of the tax, the director of
52 revenue shall be responsible for the administration, collection,
53 enforcement, and operation of the tax, and sections 32.085 and 32.087,
54 RSMo, shall apply. In order to permit sellers required to collect and

55 report the sales tax to collect the amount required to be reported and
56 remitted, but not to change the requirements of reporting or remitting
57 the tax, or to serve as a levy of the tax, and in order to avoid fractions
58 of pennies, the governing body of the county may authorize the use of
59 a bracket system similar to that authorized in section 144.285, RSMo,
60 and notwithstanding the provisions of that section, this new bracket
61 system shall be used where this tax is imposed and shall apply to all
62 taxable transactions. Beginning with the effective date of the tax,
63 every retailer in the county shall add the sales tax to the sale price,
64 and this tax shall be a debt of the purchaser to the retailer until paid,
65 and shall be recoverable at law in the same manner as the purchase
66 price. For purposes of this section, all retail sales shall be deemed to
67 be consummated at the place of business of the retailer.

68 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
69 governing the state sales tax, and section 32.057, RSMo, the uniform
70 confidentiality provision, shall apply to the collection of the tax, and
71 all exemptions granted to agencies of government, organizations, and
72 persons under sections 144.010 to 144.525, RSMo, are hereby made
73 applicable to the imposition and collection of the tax. The same sales
74 tax permit, exemption certificate, and retail certificate required by
75 sections 144.010 to 144.525, RSMo, for the administration and collection
76 of the state sales tax shall satisfy the requirements of this section, and
77 no additional permit or exemption certificate or retail certificate shall
78 be required; except that, the director of revenue may prescribe a form
79 of exemption certificate for an exemption from the tax. All discounts
80 allowed the retailer under the state sales tax for the collection of and
81 for payment of taxes are hereby allowed and made applicable to the
82 tax. The penalties for violations provided in section 32.057, RSMo, and
83 sections 144.010 to 144.525, RSMo, are hereby made applicable to
84 violations of this section. If any person is delinquent in the payment
85 of the amount required to be paid under this section, or in the event a
86 determination has been made against the person for taxes and penalty
87 under this section, the limitation for bringing suit for the collection of
88 the delinquent tax and penalty shall be the same as that provided in
89 sections 144.010 to 144.525, RSMo.

90 6. Any sales tax imposed under this section shall expire three
91 years after the date such tax becomes effective, unless such tax is
92 repealed under this section before the expiration date provided for in
93 this subsection.

94 **7. The governing body of any county that has adopted the sales**
95 **tax authorized in this section may submit the question of repeal of the**
96 **tax to the voters on any date available for elections for the county. The**
97 **ballot of submission shall be in substantially the following form:**

98 **Shall** (insert the name of the political
99 **subdivision) repeal the sales tax imposed at a rate of** (insert rate
100 **of percent) percent for the purpose of funding construction for a**
101 **shelter for women and children?**

102 **YES** **NO**

103 **If you are in favor of the question, place an "X" in the box opposite**
104 **"YES". If you are opposed to the question, place an "X" in the box**
105 **opposite "NO".**

106 **If a majority of the votes cast on the question by the qualified voters**
107 **voting thereon are in favor of repeal, that repeal shall become effective**
108 **on December thirty-first of the calendar year in which such repeal was**
109 **approved. If a majority of the votes cast on the question by the**
110 **qualified voters voting thereon are opposed to the repeal, then the sales**
111 **tax authorized in this section shall remain effective until the question**
112 **is resubmitted under this section to the qualified voters and the repeal**
113 **is approved by a majority of the qualified voters voting on the question.**

114 **8. Whenever the governing body of any county that has adopted**
115 **the sales tax authorized in this section receives a petition, signed by**
116 **ten percent of the registered voters of the county voting in the last**
117 **gubernatorial election, calling for an election to repeal the sales tax**
118 **imposed under this section, the governing body shall submit to the**
119 **voters of the county a proposal to repeal the tax. If a majority of the**
120 **votes cast on the question by the qualified voters voting thereon are in**
121 **favor of the repeal, the repeal shall become effective on December**
122 **thirty-first of the calendar year in which such repeal was approved. If**
123 **a majority of the votes cast on the question by the qualified voters**
124 **voting thereon are opposed to the repeal, then the sales tax authorized**
125 **in this section shall remain effective until the question is resubmitted**
126 **under this section to the qualified voters and the repeal is approved by**
127 **a majority of the qualified voters voting on the question.**

128 **9. If the tax is repealed or terminated by any means, all funds**
129 **remaining in the special trust fund shall continue to be used solely for**
130 **the designated purposes, and the county shall notify the director of the**
131 **department of revenue of the action at least thirty days before the**
132 **effective date of the repeal and the director may order retention in the**

133 trust fund, for a period of one year, of two percent of the amount
134 collected after receipt of such notice to cover possible refunds or
135 overpayment of the tax and to redeem dishonored checks and drafts
136 deposited to the credit of such accounts. After one year has elapsed
137 after the effective date of abolition of the tax in such county, the
138 director shall remit the balance in the account to the county and close
139 the account of that county. The director shall notify each county of
140 each instance of any amount refunded or any check redeemed from
141 receipts due the county.

67.2500. 1. A theater, cultural arts, and entertainment district
2 may be established in the manner provided in section 67.2505 by the
3 governing body of any county, city, town, or village that has adopted
4 transect-based zoning under chapter 89, RSMo, any county described
5 in this subsection, or any city, town, or village that is within [a first class
6 county with a charter form of government with a population over two hundred
7 fifty thousand that adjoins a first class county with a charter form of government
8 with a population over nine hundred thousand, or that is within] such counties:

9 (1) Any county with a charter form of government and with more than
10 two hundred fifty thousand but less than three hundred fifty thousand
11 inhabitants[, may establish a theater, cultural arts, and entertainment district
12 in the manner provided in section 67.2505];

13 (2) Any county of the first classification with more than
14 ninety-three thousand eight hundred but fewer than ninety-three
15 thousand nine hundred inhabitants;

16 (3) Any county of the first classification with more than one
17 hundred eighty-four thousand but fewer than one hundred eighty-eight
18 thousand inhabitants;

19 (4) Any county with a charter form of government and with more
20 than six hundred thousand but fewer than seven hundred thousand
21 inhabitants;

22 (5) Any county of the first classification with more than one
23 hundred thirty-five thousand four hundred but fewer than one hundred
24 thirty-five thousand five hundred inhabitants;

25 (6) Any county of the first classification with more than one
26 hundred four thousand six hundred but fewer than one hundred four
27 thousand seven hundred inhabitants.

28 2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural
29 Arts, and Entertainment District Act".

30 3. As used in sections 67.2500 to 67.2530, the following terms mean:

31 (1) "District", a theater, cultural arts, and entertainment district
32 organized under this section;

33 (2) "Qualified electors", "qualified voters", or "voters", registered voters
34 residing within the district or subdistrict, or proposed district or subdistrict, who
35 have registered to vote pursuant to chapter 115, RSMo, or, if there are no persons
36 eligible to be registered voters residing in the district or subdistrict, proposed
37 district or subdistrict, property owners, including corporations and other entities,
38 that are owners of real property;

39 (3) "Registered voters", persons qualified and registered to vote pursuant
40 to chapter 115, RSMo; and

41 (4) "Subdistrict", a subdivision of a district, but not a separate political
42 subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2505. 1. A district may be created to fund, promote, and provide
2 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
3 related or similar entertainment events or activities, and to fund, promote, plan,
4 design, construct, improve, maintain, and operate public improvements,
5 **infrastructure**, transportation projects, and related facilities in the district.

6 2. A district is a political subdivision of the state.

7 3. The name of a district shall consist of a name chosen by the original
8 petitioners, preceding the words "theater, cultural arts, and entertainment
9 district".

10 4. The district shall include a minimum of [fifty] **twenty-five** contiguous
11 acres.

12 5. Subdistricts shall be formed for the purpose of voting upon proposals
13 for the creation of the district or subsequent proposed subdistrict, voting upon the
14 question of imposing a proposed sales tax, and for representation on the board of
15 directors, and for no other purpose.

16 6. Whenever the creation of a district is desired, one or more registered
17 voters from each subdistrict of the proposed district, or one or more property
18 owners who collectively own one or more parcels of real estate comprising at least
19 a majority of the land situated in the proposed subdistricts within the proposed
20 district, may file a petition requesting the creation of a district with the
21 governing body of the city, town, or village within which the proposed district is
22 to be established. The petition shall contain the following information:

23 (1) The name, address, and phone number of each petitioner and the
24 location of the real property owned by the petitioner;

25 (2) The name of the proposed district;

26 (3) A legal description of the proposed district, including a map
27 illustrating the district boundaries, which shall be contiguous, and the division

28 of the district into at least five, but not more than fifteen, subdistricts that shall
29 contain, or are projected to contain upon full development of the subdistricts,
30 approximately equal populations;

31 (4) A statement indicating the number of directors to serve on the board,
32 which shall be not less than five or more than fifteen;

33 (5) A request that the district be established;

34 (6) A general description of the activities that are planned for the district;

35 (7) A proposal for a sales tax to fund the district initially, pursuant to the
36 authority granted in sections 67.2500 to 67.2530, together with a request that the
37 imposition of the sales tax be submitted to the qualified voters within the district;

38 (8) A statement that the proposed district shall not be an undue burden
39 on any owner of property within the district and is not unjust or unreasonable;

40 (9) A request that the question of the establishment of the district be
41 submitted to the qualified voters of the district;

42 (10) A signed statement that the petitioners are authorized to submit the
43 petition to the governing body; and

44 (11) Any other items the petitioners deem appropriate.

45 7. Upon the filing **and approval** of a petition pursuant to this section,
46 the governing body of any city, town, or village described in this section [may]
47 **shall** pass a resolution containing the following information:

48 (1) A description of the boundaries of the proposed district and each
49 subdistrict;

50 (2) The time and place of a hearing to be held to consider establishment
51 of the proposed district;

52 (3) The time frame and manner for the filing of protests;

53 (4) The proposed sales tax rate to be voted upon within the subdistricts
54 of the proposed district;

55 (5) The proposed uses for the revenue to be generated by the new sales
56 tax; and

57 (6) Such other matters as the governing body may deem appropriate.

58 8. Prior to the governing body certifying the question of the district's
59 creation and imposing a sales tax for approval by the qualified electors, a hearing
60 shall be held as provided by this subsection. The governing body of the
61 municipality approving a resolution as set forth in subsection 7 of this section
62 shall:

63 (1) Publish notice of the hearing, which shall include the information
64 contained in the resolution cited in subsection 7 of this section, on two separate
65 occasions in at least one newspaper of general circulation in the county where the
66 proposed district is located, with the first publication to occur not more than

67 thirty days before the hearing, and the second publication to occur not more than
68 fifteen days or less than ten days before the hearing;

69 (2) Hear all protests and receive evidence for or against the establishment
70 of the proposed district; and

71 (3) Consider all protests, which determinations shall be final.

72 The costs of printing and publication of the notice shall be paid by the petitioners.
73 If the district is organized pursuant to sections 67.2500 to 67.2530, the
74 petitioners may be reimbursed for such costs out of the revenues received by the
75 district.

76 9. Following the hearing, the governing body of any city, town, or village
77 within which the proposed district will be located may order an election on the
78 questions of the district creation and sales tax funding for voter approval and
79 certify the questions to the municipal clerk. The election order shall include the
80 date on which the ballots will be mailed to qualified electors, which shall be not
81 sooner than the eighth Tuesday from the issuance of the order. The election
82 regarding the incorporation of the district and the imposing of the sales tax shall
83 follow the procedure set forth in section 67.2520, and shall be held pursuant to
84 the order and certification by the governing body. Only those subdistricts
85 approving the question of creating the district and imposing the sales tax shall
86 become part of the district.

87 10. If the results of the election conducted in accordance with section
88 67.2520 show that a majority of the votes cast were in favor of organizing the
89 district and imposing the sales tax, the governing body may establish the
90 proposed district in those subdistricts approving the question of creating the
91 district and imposing the sales tax by adopting an ordinance to that effect. The
92 ordinance establishing the district shall contain the following:

93 (1) The description of the boundaries of the district and each subdistrict;

94 (2) A statement that a theater, cultural arts, and entertainment district
95 has been established;

96 (3) A declaration that the district is a political subdivision of the state;

97 (4) The name of the district;

98 (5) The date on which the sales tax election in the subdistricts was held,
99 and the result of the election;

100 (6) The uses for any revenue generated by a sales tax imposed pursuant
101 to this section;

102 (7) A certification to the newly created district of the election results,
103 including the election concerning the sales tax; and

104 (8) Such other matters as the governing body deems appropriate.

105 11. Any subdistrict that does not approve the creation of the district and

106 imposing the sales tax shall not be a part of the district and the sales tax shall
107 not be imposed until after the district board of directors has submitted another
108 proposal for the inclusion of the area into the district and such proposal and the
109 sales tax proposal are approved by a majority of the qualified voters in the
110 subdistrict voting thereon. Such subsequent elections shall be conducted in
111 accordance with section 67.2520; provided, however, that the district board of
112 directors may place the question of the inclusion of a subdistrict within a district
113 and the question of imposing a sales tax before the voters of a proposed
114 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by
115 the circuit court, shall conduct the election. In subsequent elections, the election
116 judges shall certify the election results to the district board of directors.

2 [67.2505. 1. A district may be created to fund, promote,
3 and provide educational, civic, musical, theatrical, cultural,
4 concerts, lecture series, and related or similar entertainment
5 events or activities, and to fund, promote, plan, design, construct,
6 improve, maintain, and operate public improvements,
7 transportation projects, and related facilities in the district.

8 2. A district is a political subdivision of the state.

9 3. The name of a district shall consist of a name chosen by
10 the original petitioners, preceding the words "theater, cultural arts,
11 and entertainment district".

12 4. The district shall include a minimum of fifty contiguous
13 acres.

14 5. Subdistricts shall be formed for the purpose of voting
15 upon proposals for the creation of the district or subsequent
16 proposed subdistrict, voting upon the question of imposing a
17 proposed sales tax, and for representation on the board of directors,
18 and for no other purpose.

19 6. Whenever the creation of a district is desired, one or
20 more registered voters from each subdistrict of the proposed
21 district, or one or more property owners who collectively own one
22 or more parcels of real estate comprising at least a majority of the
23 land situated in the proposed subdistricts within the proposed
24 district, may file a petition requesting the creation of a district
25 with the governing body of the city, town, or village within which
26 the proposed district is to be established. The petition shall
27 contain the following information:

28 (1) The name, address, and phone number of each petitioner
and the location of the real property owned by the petitioner;

- 29 (2) The name of the proposed district;
- 30 (3) A legal description of the proposed district, including a
31 map illustrating the district boundaries, which shall be contiguous,
32 and the division of the district into at least five, but not more than
33 fifteen, subdistricts that shall contain, or are projected to contain
34 upon full development of the subdistricts, approximately equal
35 populations;
- 36 (4) A statement indicating the number of directors to serve
37 on the board, which shall be not less than five or more than fifteen;
- 38 (5) A request that the district be established;
- 39 (6) A general description of the activities that are planned
40 for the district;
- 41 (7) A proposal for a sales tax to fund the district initially,
42 pursuant to the authority granted in sections 67.2500 to 67.2530,
43 together with a request that the imposition of the sales tax be
44 submitted to the qualified voters within the district;
- 45 (8) A statement that the proposed district shall not be an
46 undue burden on any owner of property within the district and is
47 not unjust or unreasonable;
- 48 (9) A request that the question of the establishment of the
49 district be submitted to the qualified voters of the district;
- 50 (10) A signed statement that the petitioners are authorized
51 to submit the petition to the governing body; and
- 52 (11) Any other items the petitioners deem appropriate.
- 53 7. Upon the filing of a petition pursuant to this section, the
54 governing body of any city, town, or village described in this section
55 may pass a resolution containing the following information:
- 56 (1) A description of the boundaries of the proposed district
57 and each subdistrict;
- 58 (2) The time and place of a hearing to be held to consider
59 establishment of the proposed district;
- 60 (3) The time frame and manner for the filing of protests;
- 61 (4) The proposed sales tax rate to be voted upon within the
62 subdistricts of the proposed district;
- 63 (5) The proposed uses for the revenue to be generated by
64 the new sales tax; and
- 65 (6) Such other matters as the governing body may deem
66 appropriate.
- 67 8. Prior to the governing body certifying the question of the

68 district's creation and imposing a sales tax for approval by the
69 qualified electors, a hearing shall be held as provided by this
70 subsection. The governing body of the municipality approving a
71 resolution as set forth in section 67.2520 shall:

72 (1) Publish notice of the hearing, which shall include the
73 information contained in the resolution cited in section 67.2520, on
74 two separate occasions in at least one newspaper of general
75 circulation in the county where the proposed district is located,
76 with the first publication to occur not more than thirty days before
77 the hearing, and the second publication to occur not more than
78 fifteen days or less than ten days before the hearing;

79 (2) Hear all protests and receive evidence for or against the
80 establishment of the proposed district; and

81 (3) Consider all protests, which determinations shall be
82 final.

83 The costs of printing and publication of the notice shall be paid by
84 the petitioners. If the district is organized pursuant to sections
85 67.2500 to 67.2530, the petitioners may be reimbursed for such
86 costs out of the revenues received by the district.

87 9. Following the hearing, the governing body of any city,
88 town, or village within which the proposed district will be located
89 may order an election on the questions of the district creation and
90 sales tax funding for voter approval and certify the questions to the
91 municipal clerk. The election order shall include the date on which
92 the ballots will be mailed to qualified electors, which shall be not
93 sooner than the eighth Tuesday from the issuance of the
94 order. The election regarding the incorporation of the district and
95 the imposing of the sales tax shall follow the procedure set forth in
96 section 67.2520, and shall be held pursuant to the order and
97 certification by the governing body. Only those subdistricts
98 approving the question of creating the district and imposing the
99 sales tax shall become part of the district.

100 10. If the results of the election conducted in accordance
101 with section 67.2520 show that a majority of the votes cast were in
102 favor of organizing the district and imposing the sales tax, the
103 governing body may establish the proposed district in those
104 subdistricts approving the question of creating the district and
105 imposing the sales tax by adopting an ordinance to that effect. The
106 ordinance establishing the district shall contain the following:

107 (1) The description of the boundaries of the district and
108 each subdistrict;

109 (2) A statement that a theater, cultural arts, and
110 entertainment district has been established;

111 (3) A declaration that the district is a political subdivision
112 of the state;

113 (4) The name of the district;

114 (5) The date on which the sales tax election in the
115 subdistricts was held, and the result of the election;

116 (6) The uses for any revenue generated by a sales tax
117 imposed pursuant to this section;

118 (7) A certification to the newly created district of the
119 election results, including the election concerning the sales tax; and

120 (8) Such other matters as the governing body deems
121 appropriate.

122 11. Any subdistrict that does not approve the creation of
123 the district and imposing the sales tax shall not be a part of the
124 district and the sales tax shall not be imposed until after the
125 district board of directors has submitted another proposal for the
126 inclusion of the area into the district and such proposal and the
127 sales tax proposal are approved by a majority of the qualified
128 voters in the subdistrict voting thereon. Such subsequent elections
129 shall be conducted in accordance with section 67.2520; provided,
130 however, that the district board of directors may place the question
131 of the inclusion of a subdistrict within a district and the question
132 of imposing a sales tax before the voters of a proposed subdistrict,
133 and the municipal clerk, or circuit clerk if the district is formed by
134 the circuit court, shall conduct the election. In subsequent
135 elections, the election judges shall certify the election results to the
136 district board of directors.]

67.2510. As a complete alternative to the procedure establishing a district
2 set forth in section 67.2505, **a theater, cultural arts, and entertainment**
3 **district may be established in the manner provided in section 67.2515**
4 **by a circuit court with jurisdiction over any county, city, town, or village**
5 **that has adopted transect-based zoning under chapter 89, RSMo, any**
6 **county described in this section, or any city, town, or village that is within**
7 **[a first class county with a charter form of government with a population over two**
8 **hundred fifty thousand that adjoins a first class county with a charter form of**
9 **government with a population over nine hundred thousand, or that is within]**

10 **such counties:**

11 (1) Any county with a charter form of government and with more than
12 two hundred fifty thousand but less than three hundred fifty thousand
13 inhabitants[, may establish a theater, cultural arts, and entertainment district
14 in the manner provided in section 67.2515];

15 (2) Any county of the first classification with more than
16 ninety-three thousand eight hundred but fewer than ninety-three
17 thousand nine hundred inhabitants;

18 (3) Any county of the first classification with more than one
19 hundred eighty-four thousand but fewer than one hundred eighty-eight
20 thousand inhabitants;

21 (4) Any county with a charter form of government and with more
22 than six hundred thousand but fewer than seven hundred thousand
23 inhabitants;

24 (5) Any county of the first classification with more than one
25 hundred thirty-five thousand four hundred but fewer than one hundred
26 thirty-five thousand five hundred inhabitants;

27 (6) Any county of the first classification with more than one
28 hundred four thousand six hundred but fewer than one hundred four
29 thousand seven hundred inhabitants.

67.2555. Any expenditure of more than [five] **twenty-five** thousand
2 dollars made by the county executive of a county with a charter form of
3 government and with more than six hundred thousand but fewer than seven
4 hundred thousand inhabitants must be competitively bid.

70.220. 1. Any municipality or political subdivision of this state, as
2 herein defined, may contract and cooperate with any other municipality or
3 political subdivision, or with an elective or appointive official thereof, or with a
4 duly authorized agency of the United States, or of this state, or with other states
5 or their municipalities or political subdivisions, or with any private person, firm,
6 association or corporation, for the planning, development, construction,
7 acquisition or operation of any public improvement or facility, or for a common
8 service; provided, that the subject and purposes of any such contract or
9 cooperative action made and entered into by such municipality or political
10 subdivision shall be within the scope of the powers of such municipality or
11 political subdivision.

12 **2. Any municipality or political subdivision of this state may**
13 **contract with one or more adjacent municipalities or political**
14 **subdivisions to share the tax revenues of such cooperating entities that**
15 **are generated from real property and the improvements constructed**

16 **thereon, if such real property is located within the boundaries of either**
17 **or both municipalities or subdivisions and within three thousand feet**
18 **of a common border of the contracting municipalities or political**
19 **subdivisions. The purpose of such contract shall be within the scope**
20 **of powers of each municipality or political subdivision. Municipalities**
21 **or political subdivisions separated only by a public street, easement, or**
22 **right-of-way shall be considered to share a common border for purposes**
23 **of this subsection.**

24 **3. If [such] any contract or cooperative action [shall be] entered into**
25 **under this section is** between a municipality or political subdivision and an
26 elective or appointive official of another municipality or political subdivision,
27 **[said] such contract or cooperative action [must] shall** be approved by the
28 governing body of the unit of government in which such elective or appointive
29 official resides.

30 **[2.] 4. In the event an agreement for the distribution of tax revenues is**
31 **entered into between a county of the first classification without a charter form of**
32 **government and a constitutional charter city with a population of more than one**
33 **hundred forty thousand that is located in said county prior to a vote to authorize**
34 **the imposition of such tax, then all revenue received from such tax shall be**
35 **distributed in accordance with said agreement for so long as the tax remains in**
36 **effect or until the agreement is modified by mutual agreement of the parties.**

70.226. 1. Notwithstanding the provisions of sections 70.600 to
2 **70.755 to the contrary, a local public health agency created by a joint**
3 **municipal agreement under the provisions of sections 70.210 to 70.320**
4 **existing within any county of the third classification may be considered**
5 **a political subdivision for the purposes of sections 70.600 to 70.755, and**
6 **employees of the local public health agency shall be eligible for**
7 **membership in the Missouri local government employees' retirement**
8 **system upon the local public health agency becoming an employer, as**
9 **defined in subdivision (11) of section 70.600.**

10 **2. A local public health agency granted membership under**
11 **subsection 1 of this section shall be permitted to dissolve or otherwise**
12 **terminate its existence only upon a finding by the local public health**
13 **agency's board of directors that all of the local public health agency's**
14 **outstanding indebtedness has been paid, including moneys owed to the**
15 **Missouri local government employees' retirement system for the**
16 **unfunded accrued liability of its past and current employees.**

17 **3. Any political subdivision withdrawing from membership in a**
18 **local public health agency that participates in the Missouri local**

19 **government employees' retirement system shall be required to pay to**
20 **the local public health agency its pro rata share of contributions for**
21 **any unfunded liabilities for the local public health agency's past and**
22 **current employees as of the effective date of the political subdivision's**
23 **withdrawal from membership in the local public health agency. Any**
24 **political subdivision becoming a new member of a local public health**
25 **agency shall be subject to the same terms and conditions then existing,**
26 **including the liabilities in proportion to all participating political**
27 **subdivisions as set forth in the compact or other such agreement.**

70.515. **Subject to the applicable provisions of section 70.545,** the
2 Regional Investment District Compact is hereby enacted into law and entered into
3 by the state of Missouri with the state of Kansas legally joining therein, in the
4 form substantially as follows:

5 [KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

6 I. AGREEMENT AND PLEDGE

7 The [states of Kansas and Missouri] **participants in this Compact**
8 agree to and pledge, each to the other, faithful cooperation in the support of
9 regional programs and initiatives to benefit and serve the Kansas City
10 metropolitan area, holding in high trust for the benefit of the people and of the
11 nation, the special blessings and natural advantages thereof.

12 II. POLICY AND PURPOSE

13 The [states of Kansas and Missouri desire, by common action,] **purpose**
14 **of this Compact is** to provide support for regional programs and initiatives that
15 will produce significant benefit to the Kansas City metropolitan area, with the
16 goal of making more efficient use of resources through inter-jurisdictional
17 cooperation on strategic regional programs and initiatives involving public
18 transit.

19 III. DEFINITIONS

20 A. "Commission" means the governing body of the [Kansas and Missouri]
21 Regional Investment District.

22 B. "District" means the [Kansas and Missouri] Regional Investment
23 District.

24 C. "[Kansas and Missouri] Regional Investment District" or "District"
25 means a political subdivision of the states [of Kansas and Missouri, which] **that**
26 **have adopted this Compact,** is created by this Compact and which is composed
27 of **Buchanan County and of** those Kansas and Missouri counties, cities and
28 other political subdivisions that are now or hereafter shall become parties to the
29 Articles of Agreement executed on January 1, 1972, and thereafter amended,
30 which geographic area covered by those political subdivisions is therein

31 designated as the Mid-America Regional Planning Area.

32 D. "Mid-America Regional Council or MARC" means the body corporate
33 and politic created by the Articles of Agreement, originally executed on January
34 1, 1972, and as thereafter amended, which therein assumed all the rights, duties
35 and obligations of the Mid-America Council of Governments and the Metropolitan
36 Planning Commission - Kansas City Region.

37 E. "Oversight Committee or Committee" means a body or bodies appointed
38 by the Commission for a Regional Program that shall be constituted as set forth
39 in Article IX of this Compact and that shall have the powers set forth in Article
40 X of this Compact.

41 F. "Program Plan" means a plan developed for a proposed ballot question
42 by the Commission, as required by Article VI, Section C of this Compact, that
43 describes a Regional Program and provides for the appropriation and use of
44 moneys derived from the sales tax authorized by this Compact in support of that
45 Regional Program.

46 G. "Public Transit System" or "Transit System" means, without limitation,
47 a regional system of public transit, consisting of property, structures,
48 improvements, vehicles, potentially including, but not limited to, vans, buses, bus
49 rapid transit, commuter rail, and other fixed guideways, equipment, software,
50 telecommunications networks, plants, parking or other facilities, transit centers,
51 stops, park-n-ride lots, transit related surface transportation improvements and
52 rights-of-way used or useful for the purposes of public transit, which provides
53 significant regional benefit, and the acquisition, construction, reconstruction,
54 repair, maintenance, administration and operations thereof and similar activities
55 related thereto, whether operated by one or multiple entities.

56 H. "Regional Program" means a program involving a Public Transit
57 System.

58 IV. DISTRICT

59 A. Upon this Compact being entered into law by the [Legislatures]
60 **Legislature** of the [respective states] **State of Missouri**, the Regional
61 Investment District is created and shall include Buchanan County, Missouri, and
62 all the geographic area within the jurisdictional limits of those [Kansas and]
63 Missouri counties that are parties to the Articles of Agreement executed on
64 January 1, 1972, and thereafter amended, which area is designated as the
65 Mid-America Regional Planning Area, and currently includes the following
66 counties:

67 Clay County, Missouri	[Wyandotte County, Kansas]
68 Platte County, Missouri	[Johnson County, Kansas]
69 Jackson County, Missouri	[Leavenworth County, Kansas]

70 Cass County, Missouri

71 Ray County, Missouri

72 B. In the event that the Legislature of the State of Kansas enacts
73 legislation adopting this Compact, the Regional Investment District
74 shall also include all the geographic area within the jurisdictional
75 limits of those Kansas counties that are parties to the Articles of
76 Agreement executed on January 1, 1972, and thereafter amended, which
77 area is designated as the Mid-America Regional Planning Area, and
78 currently includes the following counties:

79 Wyandotte County, Kansas

80 Johnson County, Kansas

81 Leavenworth County, Kansas

82 C. The District automatically shall be expanded to include Kansas and
83 Missouri cities, counties and other political subdivisions that hereafter shall
84 become parties to the Articles of Agreement executed on January 1, 1972, and
85 thereafter amended, upon the execution of the Articles of Agreement by the
86 governing body of such political subdivisions.

87 V. THE COMMISSION

88 A. The District shall be governed by the Commission, which shall be a
89 body corporate and politic and shall be composed of voting members of MARC, as
90 that Council is constituted from time to time and which is also known as the
91 Board of Directors and may include an elected chief official from Buchanan
92 County appointed by its chief official. All of the members of the Commission
93 shall be elected officials from the jurisdiction that appointed them as voting
94 members of MARC's Board of Directors; **provided that all members of the**
95 **Commission shall be from a jurisdiction in a state that has adopted the**
96 **Compact.**

97 B. The terms of the members of the Commission shall expire concurrently
98 with the member's tenure as an elected official of a jurisdiction that is a party to
99 MARC's Articles of Agreement. If a jurisdiction that is a party to MARC's
100 Articles of Agreement appoints a different member of its governing body to
101 MARC, that newly appointed individual shall assume the position of the member
102 replaced. Each member shall serve until that member's replacement has been
103 sworn in as an elected official.

104 C. The Commission shall begin functioning immediately upon creation of
105 the District, as provided for in Article IV, Section A hereof.

106 D. The Commission shall select annually, from its membership, a
107 chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded
108 in the amounts the Commission may require.

109 E. The Commission may appoint the officers, agents, and employees, as
110 it may require for the performance of the Commission's duties, and shall
111 determine the qualifications and duties and fix the compensation of those officers,
112 agents and employees.

113 F. The Commission shall fix the time and place at which its meetings
114 shall be held. Meetings shall be held within the District and shall be open to the
115 public. Public notice shall be given of all meetings of the Commission.

116 G. A majority of the Commissioners from each state **that has enacted**
117 **the Compact** shall constitute, in the aggregate, a quorum for the transaction of
118 business. No action of the Commission shall be binding unless taken at a
119 meeting at which at least a quorum is present, and unless a majority of the
120 Commissioners from each state, present at the meeting, shall vote in favor
121 thereof. No action of the Commission taken at a meeting thereof shall be binding
122 unless the subject of the action is included in a written agenda for the meeting,
123 the agenda and notice of meeting having been provided to each Commissioner at
124 least seven calendar days prior to the meeting.

125 H. The Commissioners from each state shall each be subject to the
126 provisions of the laws of either the State of Kansas or the State of Missouri
127 (depending upon the Commissioner's state of residence) relating to conflicts of
128 interest of public officers and employees. If any Commissioner has a direct or
129 indirect financial interest in any facility, service provider, organization or activity
130 supported by the District or Commission or in any other business transaction of
131 the District or Commission, the Commissioner shall disclose that interest in
132 writing to the other Commissioners and shall abstain from voting on any matter
133 in relation to that facility, organization or activity or to that business transaction.

134 I. If any action at law or equity, or other legal proceeding, shall be
135 brought against any Commissioner for any act or omission arising out of the
136 performance of their duties as a Commissioner, the Commissioner shall be
137 indemnified in whole and held harmless by the Commission for any judgment or
138 decree entered against the Commissioner and, further, shall be defended at the
139 cost and expense of the Commission in any resulting proceeding.

140 J. Each member of the Commission shall serve as a member of the
141 Commission without compensation for that service, except for payment of their
142 actual and reasonably necessary expenses, as provided by Article VIII, Section A,
143 1.

144 VI. POWERS AND DUTIES OF THE COMMISSION

145 A. The Commission, formally the governing body of the District, shall
146 primarily function as the planning and administrative arm for the District. The
147 Commission shall: undertake community planning to identify regional programs

148 and initiatives that will produce significant benefit to the Kansas City
149 metropolitan area; fully develop the specifics regarding existing regional
150 programs and initiatives and those newly identified regional programs and
151 initiatives; prepare a Program Plan for regional programs and initiatives in
152 consultation with local officials and the public; prepare ballot questions for
153 programs and initiatives that the Commission determines could appropriately be
154 supported by the sales tax authorized by this Compact; and assist an appointed
155 Oversight Committee when requested by the Oversight Committee in the
156 implementation of any Regional Program approved by District qualified electors
157 in accordance with the terms of this Compact.

158 B. The Commission shall adopt a seal and suitable bylaws governing its
159 management, procedure and effective operation.

160 C. The Commission shall develop a Program Plan for a Regional Program
161 that it determines could appropriately be supported by the sales tax authorized
162 by the Compact, which Program Plan shall generally describe the Regional
163 Program and provide for the appropriation and use of moneys in support of that
164 Regional Program only for the Eligible Uses set forth in Article VIII of this
165 Compact. A Program Plan shall also designate:

166 1. the counties or county in which a majority of the qualified electors
167 voting on the ballot question must cast an affirmative vote before the sales tax
168 may be imposed by any individual county for uses in accordance with the
169 Program Plan;

170 2. the duration of the sales tax imposed in support of the Regional
171 Program, which may be described in terms of the number of years the tax shall
172 be imposed, a maximum number of dollars that may be raised by the sales tax
173 imposed or any other reasonable means of establishing the duration of the sales
174 tax; provided that the sales tax shall not extend beyond the fifteen (15) years
175 following the date of the first receipt by the county treasurer of revenue from the
176 sales tax imposed to support the Regional Program unless renewed by the
177 qualified electors of that county prior to its expiration; and

178 3. the composition of the Oversight Committee to be appointed by the
179 Commission for that Regional Program, which composition shall be consistent
180 with Article IX, Section A of this Compact.

181 D. The Commission, subject to the requirements of Article VII, Section C,
182 shall set the date or dates by which the election shall be held pursuant to this
183 Compact and shall recommend those counties or county which shall hold a vote
184 on the ballot question prepared by the Commission for that Regional Program.

185 E. For each election to be held pursuant to this Compact, the Commission
186 shall prepare and submit a ballot question to the governing body of each county

187 within the District. Each such question shall be in the form set forth in Article
188 VII, Section D of this Compact.

189 F. The Commission may prepare additional ballot language generally
190 describing a Regional Program and the use and allocation of the sales tax
191 proposed to be imposed for the support of a Regional Program, and shall submit
192 that additional language to each county within the District. If additional ballot
193 language is so submitted by the Commission, and a county governing body decides
194 to place the ballot question before the qualified electors of that county, the
195 additional ballot language shall be placed on the subject ballot by that governing
196 body.

197 G. When a majority of the qualified electors in the county or counties
198 designated in the Program Plan for that Regional Program as one of those
199 counties that must cast an affirmative vote on the ballot question before the sales
200 tax may be imposed, have cast an affirmative vote, the Commission shall, in
201 accordance with Article IX, Section A of this Compact, appoint an Oversight
202 Committee for that Program Plan.

203 H. The Commission shall have the power to contract and to be contracted
204 with and to sue and to be sued.

205 I. The Commission, when it deems it necessary and when requested to do
206 so by an Oversight Committee, shall interpret and/or provide guidance and
207 further details on a Program Plan to assist in the oversight of the appropriation
208 and use of moneys by the Oversight Committee for that Program Plan.

209 J. In accordance with written guidelines adopted by the Commission,
210 which guidelines shall be consistent with the Program Plans required by Article
211 VI, Section C, the Commission may receive or provide donations, contributions,
212 and grants or other support, financial or otherwise, from public or private
213 entities, for Program Plans and the Eligible Uses set forth in Article VIII of this
214 Compact.

215 K. The Commission shall execute those contracts and agreements as an
216 Oversight Committee shall direct to implement the Program Plan developed for
217 an approved Regional Program, provided that, the Commission determines each
218 contract is consistent with the Program Plan.

219 L. The Commission may appoint advisory committees to provide input,
220 consultation, guidance and assistance to the Commission on matters and issues
221 related to any purposes for which the District and the Commission are hereby
222 created.

223 M. The Commission may form whatever partnerships, associations, joint
224 ventures or other affiliations, formal or otherwise, as it deems appropriate and
225 that are in furtherance of the purposes for which the District and the Commission

226 are created.

227 N. The Commission may utilize assistance from any governmental or
228 non-governmental entity, as it shall determine appropriate, in the form of
229 personnel, technical expertise or other resources, to further the policies, purposes
230 and goals of the District, as stated in Article II of this Compact.

231 O. The Commission shall cause to be prepared annually a report on the
232 operations and transactions conducted by the Commission during the preceding
233 year. The report shall be an open record submitted to the legislatures and
234 governors of the compacting states and to the governing bodies of the jurisdictions
235 that are then a party to MARC's Articles of Agreement and of Buchanan County,
236 Missouri, on or before March 15th of each calendar year, commencing on March
237 15th of the year following the year in which the certification described in Article
238 IV, Section B hereof occurs. The Commission shall take those actions as are
239 reasonably required to make this report readily available to the public.

240 P. The Commission shall have the power to apply to the Congress of the
241 United States for its consent and approval of this Compact, if it is determined by
242 the Commission that this consent is appropriate. In the absence of the consent
243 of the Congress and until consent is secured, if that consent is determined
244 appropriate, this Compact is binding upon [the states of Missouri and Kansas]
245 **any state that has enacted it** in all respects permitted by **that state's** law [of
246 the two states].

247 Q. The Commission shall have the power to perform all other necessary
248 and incidental functions and duties and to exercise all other necessary and
249 appropriate powers, not inconsistent with other provisions of this Compact or the
250 constitution or laws of the United States or of [either of] the **state or** states [of
251 Kansas or Missouri] **in which its members are located**, that it deems
252 appropriate to effectuate the purposes for which this District and the Commission
253 are created.

254 VII. BALLOT QUESTIONS

255 A. The Commission, as required by Article VI, Section C, shall develop
256 Program Plans for Regional Programs to be submitted to the qualified electors
257 within the District. A Program Plan developed by the Commission shall be
258 available to the public for review and comment in advance of dates set by the
259 Commission for submission of a ballot question to the electors in the District.

260 B. The governing body of each county in the District shall determine
261 whether the provision of financial support for a Regional Program is in the best
262 interests of the citizens of the county and whether the levy of a sales tax to
263 provide, on a cooperative basis with another county or other counties, for
264 financial support of the Regional Program would be economically practicable and

265 cost beneficial to the citizens of the county and the District. Each governing body
266 that makes an affirmative determination with respect hereto shall adopt a
267 resolution evidencing that determination and authorizing a vote of its citizens on
268 the ballot question for the Regional Program, by a two-thirds (2/3) majority vote
269 of the members elect of the governing body.

270 C. Upon adoption of a resolution pursuant to Section B of this Article, the
271 governing body of that county, promptly after adoption of the resolution, shall
272 request the county election commissioner to submit the ballot question for that
273 Regional Program to the qualified electors of that county. Each such ballot
274 question shall be printed on the ballot and in the notice of election. Each ballot
275 question shall be submitted to the qualified electors of that county at the primary
276 or general election next following the date the request was filed with the county
277 election officer.

278 D. The ballot for the proposition in each county shall be in substantially
279 the following form:

280 Shall a sales tax (insert amount, not to exceed one-half cent)
281 be levied and collected in County for the support of a
282 Regional Program that will produce significant benefit within the [Kansas and
283 Missouri] Regional Investment District, with such tax to extend no longer than
284 (insert years not to exceed fifteen) years following the first receipt by
285 the county treasurer of revenue from such tax?

286 YES NO

287 E. The governing body of each of the counties that requested their county
288 election commissioner submit the ballot question to its qualified electors also
289 shall provide their respective county election officers with copies of any additional
290 language prepared by the Commission, pursuant to Article VI, Section F, which
291 additional language shall be included by each such county on the ballot.

292 F. The question of whether a sales tax for the support of a Regional
293 Program involving a Public Transit System shall be imposed shall be submitted
294 to qualified electors at the first election to be held on Regional Programs,
295 pursuant to this Compact.

296 G. The governing body of any county in the District that does not pass the
297 resolution contemplated by Section B of this Article in time to cause the
298 placement of the ballot question before the qualified electors of that county at the
299 first election or any subsequent election to be held on Regional Programs,
300 pursuant to this Compact, may adopt that resolution at any time thereafter, and
301 that ballot question shall be provided to the election commissioner of that county
302 and submitted to the qualified electors of the county at the next primary or
303 general election, in accordance with Section C of this Article.

304 H. In each county where a majority of the qualified electors voting in an
305 election shall have cast an affirmative vote on a ballot question, that ballot
306 question shall be approved.

307 I. If a ballot question is submitted to the qualified electors of a county in
308 the District, and the ballot question is not approved in that county, following
309 defeat of the ballot question, the governing body of that county or counties may
310 renew procedures to levy the sales tax in support of that Regional Program. A
311 defeat of a ballot question in any county shall not affect the approval of that
312 ballot question in any other county, which approval shall continue to have effect.

313 J. No county in the District shall levy a sales tax specified herein until
314 the qualified electors in all the counties designated by the Commission in the
315 Program Plan for the subject Regional Program, as those that must approve the
316 sales tax, have approved the levy of the sales tax to support the Program Plan for
317 that Regional Program.

318 K. [With respect to the first election to be held on Regional Programs
319 pursuant to this Compact, no sales tax shall be levied by any county which has
320 adopted the resolution contemplated by Section B and has submitted the ballot
321 question to the qualified voters of that county pursuant to Section C of this
322 Article, unless and until a majority of the qualified electors of at least Johnson
323 and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved
324 the levy of a sales tax for the Regional Program involving a Public Transit
325 System.

326 L.] When, but only when, the electors in all of the counties designated by
327 the Commission in the Program Plan for the Regional Program, as those that
328 must approve the sales tax, have approved that ballot question, the governing
329 body of each county that has approved that ballot question, at the first available
330 opportunity, shall take all required actions to begin levying this tax.

331 [M.] L. Any of the counties that have elected by a vote of its electors to
332 levy a sales tax authorized by this Compact may cease to levy this sales tax upon
333 the majority vote of the qualified electors of the county on a ballot question
334 submitted to qualified electors asking if that county should cease to levy this
335 sales tax. This vote shall take place in the same manner provided in this section
336 for levying this sales tax; provided that, no vote to cease to levy this sales tax
337 shall take place in any county on a date earlier than a date that is five years from
338 the date that county approved this sales tax. Provided further, in no event shall
339 any county cease to levy this sales tax until that county has entered into a
340 written agreement with the Commission, which agreement shall provide for the
341 terms of cessation, and shall specifically provide: (1) a means to ensure that the
342 county pays a fair share of the outstanding obligations incurred by the District

343 in furtherance of its established purposes; and (2) for the ongoing operations and
344 maintenance or the termination of any facilities or services established in the
345 county with support provided by the Commission. The governing body of a county
346 that has decided by this vote to cease to levy this sales tax shall send formal
347 written notice thereof to each of the other counties comprising the District. In no
348 event, shall the county cease to levy the sales tax earlier than ninety days after
349 this notice has been sent. If any county in the District decides to cease levying
350 the sales tax, the status of the District as a political subdivision of the states of
351 Kansas and Missouri shall be unaltered and that county shall continue to have
352 the representation on the Commission, as set forth in Article V of this Compact.

353 VIII. ELIGIBLE USES OF FUNDS

354 A. The Commission shall only budget and authorize the appropriation of
355 monies for the following eligible purposes:

356 1. the actual and reasonably necessary expenses of the Commission and
357 Oversight Committee, including, but not limited to, staff personnel, auditors,
358 budget and financial consultation, legal assistance, administrative, operational,
359 planning and engineering consultation and marketing, as well as for the actual
360 and reasonably necessary expenses of individual Commission and Committee
361 members that are incurred in the performance of their official duties; provided
362 that, the Commission, in each fiscal year, shall not appropriate, for this purpose,
363 any monies in excess of an amount that is equal to one percent of the funds
364 appropriated to the Commission in that fiscal year by all of the counties imposing
365 this sales tax; and

366 2. the support of voter approved Regional Programs within the District;

367 3. only pursuant to a contract with bodies corporate and politic, political
368 subdivisions of the states of Missouri or Kansas and/or local units of government
369 in the states of Missouri or Kansas, provided, however, the Commission may, in
370 its discretion, require that entities contracted with shall procure a set percentage
371 of Public Transit System services from third party contractors on a competitive
372 basis; and

373 4. only in support of a Regional Program in counties that have voted
374 affirmatively to impose a sales tax in support of that Regional Program.

375 B. The aggregate amount of sales taxes imposed by any county within the
376 District, pursuant to the authority granted in this Compact, shall not exceed
377 one-half cent.

378 IX. THE OVERSIGHT COMMITTEE

379 A. An Oversight Committee shall be appointed by the Commission for a
380 Regional Program, as provided for in Article VI, Section G hereof. An Oversight
381 Committee shall be composed of elected officials of jurisdictions that are within

382 a county where a majority of the qualified electors voting on the ballot question
383 have cast an affirmative vote on the imposition of a sales tax to support the
384 subject Regional Program. An Oversight Committee shall be composed of the
385 elected officials designated in the Program Plan for the Regional Program. An
386 Oversight Committee shall include a minimum of one elected representative from
387 each county that approves that ballot question and elected representatives from
388 both cities and counties and each representative shall be approved by the chief
389 elected official of the county or city from which they are elected. If the Program
390 Plan describes a Regional Program that serves both Missouri and Kansas, the
391 Oversight Committee shall be composed of an equal number of elected
392 representatives from each state. In such instances, no action of the Commission
393 shall be binding unless taken at a meeting at which at least a quorum is present,
394 and unless a majority of the Commissioners from each state, present at the
395 meeting, shall vote in favor thereof. The number of individuals comprising the
396 Oversight Committee shall be in the sole discretion of the Commission.

397 B. An Oversight Committee shall be appointed within forty-five days of
398 certification that the ballot question has been approved by the last of the counties
399 designated by the Commission in the Program Plan for the Regional Plan,
400 pursuant to Article VI, Section C, 1 hereof, to so certify and shall begin
401 functioning immediately upon its appointment by the Commission. If, pursuant
402 to Article VII, Section K, additional counties within the District shall approve the
403 ballot question, the Commission shall appoint a minimum of one additional
404 representative from each such county to the Oversight Committee.

405 C. An appointed Oversight Committee shall fix the time and place at
406 which its meetings shall be held. Meetings shall be held at a location in a county
407 that has approved the imposition of the sales tax to support the Program Plan for
408 the subject Regional Program and shall be open to the public. Public notice shall
409 be given of all meetings of the Committee.

410 D. The Committee members shall each be subject to the provisions of the
411 laws of either the State of Kansas or the State of Missouri (depending upon the
412 Committee member's state of residence) that relate to conflicts of interest of
413 public officers and employees. If any Committee member has a direct or indirect
414 financial interest in any facility, service provider, organization or activity
415 supported by the District or Commission or in any other business transaction of
416 the District or Commission, the Committee member shall disclose that interest
417 in writing to the members of the Commission and to the other members of the
418 Committee and shall abstain from voting on any matter in relation to that
419 facility, organization or activity or to that business transaction with respect to
420 which that Committee member has the interest.

421 E. If any action at law or equity, or other legal proceeding, shall be
422 brought against any Committee member for any act or omission arising out of the
423 performance of duties as a Committee member, the Committee member shall be
424 indemnified in whole and held harmless by the Commission for any judgment or
425 decree entered against the Committee member and, further, shall be defended at
426 the cost and expense of the Commission in any resulting proceeding.

427 F. The Oversight Committee for a Regional Program shall terminate on
428 the date when all of the moneys derived from the sales tax imposed by any or all
429 counties in the District to support the Program Plan for that Regional Program
430 and which have been credited to the Regional Investment Fund have been
431 expended.

432 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

433 A. The Oversight Committee for an approved Regional Program is charged
434 with the oversight of the appropriation and use of moneys generated from the
435 sales taxes and credited to the Regional Investment Fund. These moneys shall
436 be appropriated only for the Eligible Uses set forth in Article VIII of this
437 Compact.

438 B. An Oversight Committee shall only provide support for and allocate
439 and appropriate monies for programs, services and facilities that are consistent
440 with the voter approved Program Plan developed by the Commission and only for
441 programs, services and facilities in counties that have approved the imposition
442 of a sales tax in support of the Regional Program. If the Committee is uncertain
443 or has any question about whether a specific appropriation of moneys or support
444 activity is consistent with the Program Plan developed by the Commission, it
445 shall seek a determination on that question from the Commission.

446 C. An Oversight Committee, as appropriate, shall direct that the
447 Commission execute those contracts and agreements necessary or desirable to
448 implement the Program Plan developed by the Commission.

449 D. An Oversight Committee shall adopt suitable bylaws governing its
450 management, procedure and its effective operations.

451 E. An Oversight Committee shall provide the information that the
452 Commission shall require to allow the Commission to prepare annually a report
453 on the operations and transactions conducted by the Commission during the
454 preceding year relating to the approved Regional Programs. This information
455 shall include an annual financial statement prepared in accordance with General
456 Accepted Accounting Principles (GAAP). The Oversight Committee for a Public
457 Transit Service Regional Program shall also provide a report on operational
458 statistics, including statistics on the ridership of the Public Transit System
459 funded with sales tax revenues resulting from the authority granted by this

460 Compact, comparing ridership in the then current fiscal year to ridership in the
461 three fiscal years next preceding.

462 XI. FINANCE

463 A. The moneys necessary to finance the operation of the District,
464 implement the voter approved Program Plans and execute the powers, duties and
465 responsibilities of the Commission shall be appropriated to the Commission by
466 the counties comprising the District, which, in accordance with Article VII,
467 Section J of the Compact, have approved the ballot question for the subject
468 Regional Program. The moneys to be appropriated to the Commission, in addition
469 to the sales tax authorized by this Compact, may be raised by the governing
470 bodies of the respective counties by the levy of taxes, fees, charges or any other
471 revenue, as authorized by those counties or cities in those counties or by the
472 legislatures of the respective party states, provided nothing herein shall require
473 either state to make appropriations for any purpose.

474 B. Neither the Commission nor any Oversight Committee shall incur any
475 indebtedness of any kind; nor shall they pledge the credit of MARC or any
476 jurisdiction that is party to MARC's Articles of Agreement or either of the states
477 party to this Compact, except as specifically authorized by this Compact. The
478 budget of the District shall be prepared, adopted and published, as provided by
479 law, for other political subdivisions of the party states.

480 C. The Commission and an Oversight Committee shall keep accurate
481 accounts of all receipts and disbursements. The receipts and disbursements of
482 the Commission shall be audited yearly by a certified or licensed public
483 accountant and the report of the audit shall be included in and become a part of
484 the annual report of the Commission.

485 D. The accounts of the Commission shall be open at any reasonable time
486 for inspection by duly authorized representatives of [the compacting states] **a**
487 **state that has enacted this Compact**, the counties comprising the District,
488 and other persons authorized by the Commission.

489 XII. ENTRY INTO FORCE

490 A. This Compact shall enter into force and become effective and binding
491 upon the states of Kansas and Missouri when it has been entered into law by the
492 legislatures of the respective states.

493 B. Amendments to the Compact shall become effective upon enactment by
494 the legislatures of the respective states.

495 XIII. TERMINATION

496 A. The Compact shall continue in force and remain binding upon a party
497 state until its legislature shall have enacted a statute repealing the same and
498 providing for the sending of formal written notice of enactment of that statute to

499 the legislature of the other party state. Upon enactment of that statute by the
 500 legislature of either party state, the sending of notice thereof to the other party
 501 and payment of any obligations that the Commission may have incurred prior to
 502 the effective date of that statute, the agreement of the party states embodied in
 503 the Compact shall be deemed fully executed, the Compact shall be null and void
 504 and of no further force or effect, the District shall be dissolved, and the
 505 Commission shall be abolished. If any monies remain in the Regional Investment
 506 Fund upon dissolution of this Compact, the Commission may distribute these
 507 monies to an entity or organization selected by the Commission to be used to
 508 support purposes for which the District is hereby created, as stated in Article II
 509 of this Compact.

510 XIV. CONSTRUCTION AND SEVERABILITY

511 A. The provisions of this Compact shall be liberally construed and shall
 512 be severable. If any phrase, clause, sentence or provision of this Compact is
 513 declared to be contrary to the constitutions of either [of the party states] **a state**
 514 **that has enacted this Compact** or of the United States or **if** the applicability
 515 thereof to any government, agency, person or circumstance is held invalid, the
 516 validity of the remainder of this Compact and the applicability thereof to any
 517 government, agency, person or circumstance shall not be affected thereby. If this
 518 Compact shall be held contrary to the constitution of either party state hereto,
 519 the Compact shall thereby be nullified and voided and of no further force or
 520 effect.

70.545. If the state of Kansas has not [authorized the compact as outlined
 2 in section 70.515] **enacted the Compact** by [July 1] **August 28, 2007, then**
 3 **the district described in section 70.515 shall nonetheless be created,**
 4 **and the district,** any Missouri county in the district [and], the [district,]
 5 Commission, and an oversight committee shall have all the powers and duties
 6 and may operate as set forth in sections 70.515 to 70.545, **provided that:**

7 **1. The Regional Investment District created in section 70.515**
 8 **shall be known as the "Missouri Regional Investment District", shall be**
 9 **a political subdivision solely of the state of Missouri, and shall consist**
 10 **only of those Missouri counties that are within the Mid-America**
 11 **Regional Planning Area and Buchanan County. All references to a**
 12 **"Regional Investment District" or "District" in section 70.515 shall be**
 13 **deemed to refer exclusively to the "Missouri Regional Investment**
 14 **District".**

15 **2. Article XII of the Compact shall be inapplicable.**

71.011. 1. Except as provided in subsection 2 of this section, property of
 2 a municipality which abuts another municipality may be concurrently detached

3 from one municipality and annexed by the other municipality by the enactment
4 by the governing bodies of each municipality of an ordinance describing by metes
5 and bounds the property, declaring the property so described to be concurrently
6 detached and annexed, and stating the reasons for and the purposes to be
7 accomplished by the detachment and annexation. One certified copy of each
8 ordinance shall be filed with the county clerk, **with the county assessor**, with
9 the county recorder of deeds, and with the clerk of the circuit court of the county
10 in which the property is located, whereupon the concurrent detachment and
11 annexation shall be complete and final. Thereafter all courts of this state shall
12 take notice of the limits of both municipalities as changed by the ordinances. No
13 declaratory judgment or election shall be required for any concurrent detachment
14 and annexation permitted by this section if there are no residents living in the
15 area or if there are residents in the area and they be notified of the annexation
16 and do not object within sixty days.

17 2. In a county of the first classification with a charter form of government
18 containing all or a portion of a city with a population of at least three hundred
19 thousand inhabitants, unimproved property of a municipality which overlaps
20 another municipality may be concurrently detached from one municipality and
21 annexed by the other municipality by the enactment by the governing body of the
22 receiving municipality of an ordinance describing by metes and bounds the
23 property, declaring the property so described to be detached and annexed, and
24 stating the reasons for and the purposes to be accomplished by the detachment
25 and annexation. A copy of said ordinance shall be mailed to the city clerk of the
26 contributing municipality, which shall have thirty days from receipt of said notice
27 to pass an ordinance disapproving the change of boundary. If such ordinance is
28 not passed within thirty days, the change shall be effective and one certified copy
29 of the ordinance shall be filed with the county clerk, **with the county assessor**,
30 with the county recorder of deeds, and with the clerk of the circuit court of the
31 county in which the property is located, whereupon the concurrent detachment
32 and annexation shall be complete and final. Thereafter all courts of this state
33 shall take notice of the limits of both municipalities as changed by the
34 ordinances. No declaratory judgment or election shall be required for any
35 concurrent detachment and annexation permitted by this section if the
36 landowners in the area are notified and do not object within sixty days.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860
2 to 71.920, the governing body of any city, town or village may annex
3 unincorporated areas which are contiguous and compact to the existing corporate
4 limits of the city, town or village pursuant to this section. The term "contiguous
5 and compact" does not include a situation whereby the unincorporated area

6 proposed to be annexed is contiguous to the annexing city, town or village only
7 by a railroad line, trail, pipeline or other strip of real property less than
8 one-quarter mile in width within the city, town or village so that the boundaries
9 of the city, town or village after annexation would leave unincorporated areas
10 between the annexed area and the prior boundaries of the city, town or village
11 connected only by such railroad line, trail, pipeline or other such strip of real
12 property. The term "contiguous and compact" does not prohibit voluntary
13 annexations pursuant to this section merely because such voluntary annexation
14 would create an island of unincorporated area within the city, town or village, so
15 long as the owners of the unincorporated island were also given the opportunity
16 to voluntarily annex into the city, town or village. Notwithstanding the
17 provisions of this section, the governing body of any city, town or village in any
18 county of the third classification which borders a county of the fourth
19 classification, a county of the second classification and Mississippi River may
20 annex areas along a road or highway up to two miles from existing boundaries of
21 the city, town or village or the governing body in any city, town or village in any
22 county of the third classification without a township form of government with a
23 population of at least twenty-four thousand inhabitants but not more than thirty
24 thousand inhabitants and such county contains a state correctional center may
25 voluntarily annex such correctional center pursuant to the provisions of this
26 section if the correctional center is along a road or highway within two miles from
27 the existing boundaries of the city, town or village.

28 2. (1) When a verified petition, requesting annexation and signed by the
29 owners of all fee interests of record in all tracts of real property located within
30 the area proposed to be annexed, or a request for annexation signed under the
31 authority of the governing body of any common interest community and approved
32 by a majority vote of unit owners located within the area proposed to be annexed
33 is presented to the governing body of the city, town or village, the governing body
34 shall hold a public hearing concerning the matter not less than fourteen nor more
35 than sixty days after the petition is received, and the hearing shall be held not
36 less than seven days after notice of the hearing is published in a newspaper of
37 general circulation qualified to publish legal matters and located within the
38 boundary of the petitioned city, town or village. If no such newspaper exists
39 within the boundary of such city, town or village, then the notice shall be
40 published in the qualified newspaper nearest the petitioned city, town or
41 village. For the purposes of this subdivision, the term "common-interest
42 community" shall mean a condominium as said term is used in chapter 448,
43 RSMo, or a common-interest community, a cooperative, or a planned community.

44 (a) A "common-interest community" shall be defined as real property with

45 respect to which a person, by virtue of such person's ownership of a unit, is
46 obliged to pay for real property taxes, insurance premiums, maintenance or
47 improvement of other real property described in a declaration. "Ownership of a
48 unit" does not include a leasehold interest of less than twenty years in a unit,
49 including renewal options;

50 (b) A "cooperative" shall be defined as a common-interest community in
51 which the real property is owned by an association, each of whose members is
52 entitled by virtue of such member's ownership interest in the association to
53 exclusive possession of a unit;

54 (c) A "planned community" a common-interest community that is not a
55 condominium or a cooperative. A condominium or cooperative may be part of a
56 planned community.

57 (2) At the public hearing any interested person, corporation or political
58 subdivision may present evidence regarding the proposed annexation. If, after
59 holding the hearing, the governing body of the city, town or village determines
60 that the annexation is reasonable and necessary to the proper development of the
61 city, town or village, and the city, town or village has the ability to furnish
62 normal municipal services to the area to be annexed within a reasonable time, it
63 may, subject to the provisions of subdivision (3) of this subsection, annex the
64 territory by ordinance without further action.

65 (3) If a written objection to the proposed annexation is filed with the
66 governing body of the city, town or village not later than fourteen days after the
67 public hearing by at least five percent of the qualified voters of the city, town or
68 village, or two qualified voters of the area sought to be annexed if the same
69 contains two qualified voters, the provisions of sections 71.015 and 71.860 to
70 71.920, shall be followed.

71 3. If no objection is filed, the city, town or village shall extend its limits
72 by ordinance to include such territory, specifying with accuracy the new boundary
73 lines to which the city's, town's or village's limits are extended. Upon duly
74 enacting such annexation ordinance, the city, town or village shall cause three
75 certified copies of the same to be filed with the **county assessor and the clerk**
76 of the county wherein the city, town or village is located, and one certified copy
77 to be filed with the election authority, if different from the clerk of the county
78 which has jurisdiction over the area being annexed, whereupon the annexation
79 shall be complete and final and thereafter all courts of this state shall take
80 judicial notice of the limits of that city, town or village as so extended.

72.080. 1. **Notwithstanding any provision of law to the contrary,**
2 **and as an alternative to, and not in lieu of, the procedure established**
3 **in section 80.020, RSMo,** any unincorporated city, town, **village,** or other area

4 of the state may, except as otherwise provided in sections 72.400 to 72.420,
5 become a city, **town, or village** of the class to which its population would entitle
6 it pursuant to this chapter, and be incorporated pursuant to the law for the
7 government of cities, **towns, or villages** of that class, in the following manner:

8 **(1)** Whenever a number of voters equal to fifteen percent of the [votes cast
9 in the last gubernatorial election] **registered voters** in the area proposed to be
10 incorporated shall present a petition to the governing body of the county in which
11 such city [or], **town, village,** or area is situated, such petition shall describe, by
12 metes and bounds, the area to be incorporated and be accompanied by a plat
13 thereof, shall state the approximate population and the assessed valuation of all
14 real and personal property in the area and shall state facts showing that the
15 proposed city, **town, or village, if such village has at least one hundred**
16 **inhabitants residing in it,** shall have the ability to furnish normal municipal
17 services within a reasonable time after its incorporation is to become effective and
18 praying that the question be submitted to determine if it may be incorporated[.
19 If the governing body shall be satisfied that a number of voters equal to fifteen
20 percent of the votes cast in the last gubernatorial election in the area proposed
21 to be incorporated have signed such petition, the governing body shall submit the
22 question to the voters];

23 **(2)** **The governing body shall submit the question to the voters**
24 **if it is satisfied the number of voters signing such petition is equal to**
25 **fifteen percent of the registered voters in the area proposed to be**
26 **incorporated.**

27 **As used in this section, "village" means any small group or assemblage**
28 **of houses in an unincorporated area, being generally less than in a**
29 **town or city, or any small group or assemblages of houses or buildings**
30 **built for dwelling or for business, or both, in an unincorporated area,**
31 **regardless of whether they are situated upon regularly laid out streets**
32 **or alleys dedicated to public use, having no minimum number of**
33 **registered voters in the area, and without regard to the existence of**
34 **churches, parks, schools, or commercial establishments in that area or**
35 **whether the proposed village is devoted to community purposes.**

36 2. The [county] **governing body** may make changes in the petition to
37 correct technical errors or to redefine the metes and bounds of the area to be
38 incorporated to reflect other boundary changes occurring within six months prior
39 to the time of filing the petition. Petitions submitted by proposing agents may
40 be submitted with exclusions for the signatures collected in areas originally
41 included in the proposal but subsequently annexed or incorporated separately as
42 a city, town or village, although the governing body shall be satisfied as to the

43 sufficiency of the signatures for the final proposed area. If a majority of the
44 voters voting on the question vote for incorporation, the governing body shall
45 declare such city, town, **village**, or other area incorporated, designating in such
46 order the metes and bounds thereof, and thenceforth the inhabitants within such
47 bounds shall be a body politic and incorporate, by the name and style of "the city
48 of", [or] "the town of", [and] "**the**
49 **village of**". The first officers of such city [or], town, **or**
50 **village** shall be designated by the order of the governing body, who shall hold
51 their offices until the next municipal election and until their successors shall be
52 duly elected and qualified. **The city, town, or village shall have perpetual**
53 **succession, unless disincorporated; may sue and be sued; may plead and**
54 **be impleaded; may defend and be defended in all courts and in all**
55 **actions, pleas, and matters whatsoever; may grant, purchase, hold, and**
56 **receive property, real and personal, within such place and no other,**
57 **burial grounds and cemeteries excepted; and may lease, sell, and**
58 **dispose of such property for the benefit of the city, town, or village, and**
59 **may have a common seal, and alter such seal at pleasure.** The county
60 shall pay the costs of the election.

61 3. In any county with a charter form of government where fifty or more
62 cities, towns and villages have been incorporated, an unincorporated city, town
63 or other area of the state shall not be incorporated except as provided in sections
64 72.400 to 72.420.

65 4. Any unincorporated area with a private eighteen hole golf course
66 community and with at least a one hundred acre lake located within any county
67 of the first classification with more than eighty-two thousand but less than
68 eighty-two thousand one hundred inhabitants may incorporate as a city of the
69 class to which its population would entitle it pursuant to this chapter
70 notwithstanding any proposed annexation of the unincorporated area by any city
71 of the third or fourth classification or any home rule city with more than four
72 hundred thousand inhabitants and located in more than one county. If any city
73 of the third or fourth classification or any home rule city with more than four
74 hundred thousand inhabitants and located in more than one county proposes
75 annexation by ordinance or resolution of any unincorporated area as defined in
76 this subsection, no such annexation shall become effective until and only after a
77 majority of the qualified voters in the unincorporated area proposed to be
78 incorporated fail to approve or oppose the proposed incorporation by a majority
79 vote in the election described in subsection 2 of this section.

80 5. Prior to the election described in subsection 2 of this section, if the
81 owner or owners of either the majority of the commercial or the majority of the

82 agricultural classification of real property in the proposed area to be incorporated
83 object to such incorporation, such owner or owners may file an action in the
84 circuit court of the county in which such unincorporated area is situated,
85 pursuant to chapter 527, RSMo, praying for a declaratory judgment requesting
86 that such incorporation be declared unreasonable by the court. As used in this
87 subsection, a "majority of the commercial or agricultural classification" means a
88 majority as determined by the assessed valuation of the tracts of real property in
89 either classification to be determined by the assessments made according to
90 chapter 137, RSMo. The petition in such action shall state facts showing that
91 such incorporation including the real property owned by the petitioners is not
92 reasonable based on the same criteria as specified in subsection 3 of section
93 72.403 and is not necessary to the proper development of the city or town. If the
94 circuit court finds that such inclusion is not reasonable and necessary, it may
95 enjoin the incorporation or require the petition requesting the incorporation to be
96 resubmitted excluding all or part of the property of the petitioners from the
97 proposed incorporation.

77.020. The mayor and council of such city, with the consent of a majority
2 of the legal voters of such city voting at an election thereof, shall have power to
3 extend the limits of the city over territory adjacent thereto, and to diminish the
4 limits of the city by excluding territory therefrom, and shall, in every case, have
5 power, with the consent of the legal voters as aforesaid, to extend or diminish the
6 city limits in such manner as in their judgment and discretion may redound to
7 the benefit of the city; **provided, however, that no election or voter**
8 **consent shall be required for voluntary annexations or transfers of**
9 **jurisdiction under chapter 71, RSMo.**

78.610. The city manager [must be a resident of the city at the time of his
2 appointment and] shall devote his **or her** entire time to the duties of his **or her**
3 office. He shall be the administrative head of the government subject to the
4 direction and supervision of the council and shall hold his office at the pleasure
5 of the council, or may be employed for a term not to exceed one year. He shall
6 receive an adequate salary to be fixed by the council which shall not be
7 diminished during the service of any incumbent without his consent. **The**
8 **council shall have the discretion to require the city manager to reside**
9 **in the city as a condition of employment; except in counties with a**
10 **charter form of government the city manager shall be a resident of the**
11 **city at the time of his her appointment.** Before entering upon the duties of
12 his **or her** office the city manager shall take the official oath required by law and
13 shall execute a bond in favor of the city for the faithful performance of his **or her**
14 duties and such sum shall be determined by the city council. It shall be his **or**

15 **her** duty:

16 (1) To make all appointments to offices and positions provided for in
17 section 78.600;

18 (2) To see that the laws and ordinances are enforced;

19 (3) To exercise control of all departments and divisions that may hereafter
20 be created by the council;

21 (4) To see that all terms and conditions imposed in favor of the city or its
22 inhabitants in any public utility franchises are faithfully kept and performed, and
23 upon information of any violation thereof to take such steps as will be necessary
24 to stop or prevent the further violation of the same;

25 (5) To attend all meetings of the council with the privilege of taking part
26 in the discussions but having no vote;

27 (6) To recommend to the council for adoption such measures as he **or she**
28 may deem necessary or expedient;

29 (7) To prepare and submit the annual budget and to keep the city council
30 fully advised as to the financial conditions and needs of the city and to perform
31 such other duties as may be prescribed by these sections or be required of him **or**
32 **her** by any ordinance or resolution of the council.

79.050. 1. The following officers shall be elected by the qualified voters
2 of the city, and shall hold office for the term of two years, except as otherwise
3 provided in this section, and until their successors are elected and qualified, to
4 wit: mayor and board of aldermen. The board of aldermen may provide by
5 ordinance, after the approval of a majority of the voters voting at an election at
6 which the issue is submitted, for the appointment of a collector and for the
7 appointment of a chief of police, who shall perform all duties required of the
8 marshal by law, and any other police officers found by the board of aldermen to
9 be necessary for the good government of the city. The marshal or chief of police
10 shall be twenty-one years of age or older. If the board of aldermen does not
11 provide for the appointment of a chief of police and collector as provided by this
12 section, a city marshal, who shall be twenty-one years of age or older, and
13 collector shall be elected, and the board of aldermen may provide by ordinance
14 that the same person may be elected marshal and collector, at the same election,
15 and hold both offices and the board of aldermen may provide by ordinance for the
16 election of city assessor, city attorney, city clerk and street commissioner, who
17 shall hold their respective offices for a term of two years and until their
18 successors shall be elected or appointed and qualified, except that the term of the
19 city marshal shall be four years.

20 2. The board of aldermen may provide by ordinance, **after the approval**
21 **of a majority of the voters voting thereon at the next municipal election**

22 **at which the issue is submitted**, that the term of [mayor and of] the collector
23 shall be four years **and the term of the mayor shall be two, three, or four**
24 **years**. Any person elected as [mayor or] collector after the passage of such an
25 ordinance shall serve for a term of four years and until his successor is elected
26 and qualified. **Any person elected as mayor after the passage of such**
27 **ordinance shall serve for a term of two, three, or four years, as**
28 **provided, and until his successor is elected and qualified.**

29 3. The board of aldermen may provide by ordinance that the term of the
30 board of aldermen shall be four years. Such ordinance shall be submitted by the
31 board to the voters of the city and shall take effect only upon the approval of a
32 majority of the voters voting at an election at which the issue is submitted. Any
33 person elected to the board of aldermen after the passage of such an ordinance
34 shall serve for a term of four years and until his successor is elected and
35 qualified.

79.495. 1. The county governing body of any county in which a city of the
2 fourth class is located shall have the power to disincorporate such city upon
3 petition of two-thirds of the voters of such city, without an election in such city,
4 provided that the petition requests disincorporation without an election, and
5 provided that the population of such city is less than one hundred.

6 2. **Upon the application of any person or persons owning a tract**
7 **of land containing five acres or more in a city of the fourth class with**
8 **a population less than one hundred in any county, the governing body**
9 **of such county may, in its discretion, diminish the limits of such city by**
10 **excluding any such tract of land from said corporate limits without an**
11 **election in such city; provided that such application shall be**
12 **accompanied by a petition asking for such change without an election**
13 **and signed by a majority of the registered voters in such city and to the**
14 **extent there are no such registered voters available in such city, then**
15 **such petition shall be signed by the parties owning a majority of the**
16 **land area to be excluded from such city limits. Thereafter, such tract**
17 **of land so excluded shall not be deemed or held to be any part of such**
18 **city.**

87.006. 1. Notwithstanding the provisions of any law to the contrary, and
2 only for the purpose of computing retirement benefits provided by an established
3 retirement plan, after five years' service, any condition of impairment of health
4 caused by any disease of the lungs or respiratory tract, hypotension,
5 hypertension, or disease of the heart resulting in total or partial disability or
6 death to a uniformed member of a paid fire department, who successfully passed
7 a physical examination within five years prior to the time a claim is made for

8 such disability or death, which examination failed to reveal any evidence of such
9 condition, shall be presumed to have been suffered in **the** line of duty, unless the
10 contrary be shown by competent evidence.

11 **2. Any condition of cancer affecting the skin or the central**
12 **nervous, lymphatic, digestive, hematological, urinary, skeletal, oral,**
13 **breast, testicular, genitourinary, liver or prostate systems, as well as**
14 **any condition of cancer which may result from exposure to heat or**
15 **radiation or to a known or suspected carcinogen as determined by the**
16 **International Agency for Research on Cancer, which results in the total**
17 **or partial disability or death to a uniformed member of a paid fire**
18 **department who successfully passed a physical examination within five**
19 **years prior to the time a claim is made for disability or death, which**
20 **examination failed to reveal any evidence of such condition, shall be**
21 **presumed to have been suffered in the line of duty unless the contrary**
22 **be shown by competent evidence and it can be proven to a reasonable**
23 **degree of medical certainty that the condition did not result nor was**
24 **contributed to by the voluntary use of tobacco.**

25 **3.** This section shall apply to paid members of all fire departments of all
26 counties, cities, towns, fire districts, and other governmental units.

89.010. 1. The provisions of sections 89.010 to 89.140 shall apply to all
2 cities, towns and villages in this state.

3 **2. (1) As used in this subsection, "transect-based zoning" means**
4 **a zoning classification system that prescriptively arranges uses,**
5 **elements, and environments according to a geographic cross-section**
6 **that range across a continuum from rural to urban, with the range of**
7 **environments providing the basis for organizing the components of the**
8 **constructed world, including buildings, lots, land use, street, and all**
9 **other physical elements of the human habitat, with the objective of**
10 **creating sustainable communities and emphasizing bicycle lanes, street**
11 **connectivity, and sidewalks, and permitting high-density and mixed use**
12 **development in urban areas.**

13 **(2) In the event that any city, town, or village adopts a zoning or**
14 **subdivision ordinance based on transect-based zoning, and such**
15 **transect-based zoning provisions conflict with the zoning provisions**
16 **adopted by code or ordinance of another political subdivision with**
17 **jurisdiction in such city, town, or village, the transect-based zoning**
18 **provisions governing street configuration requirements, including**
19 **number and locations of parking spaces, street, drive lane, and cul-de-**
20 **sac lengths and widths, turning radii, and improvements within the**

21 **right-of-way, shall prevail over any other conflicting or more restrictive**
22 **zoning provisions adopted by code or ordinance of the other political**
23 **subdivision.**

89.400. 1. When the planning commission of any municipality adopts a
2 city plan which includes at least a major street plan or progresses in its city
3 planning to the making and adoption of a major street plan, and files a certified
4 copy of the major street plan in the office of the county recorder of the county in
5 which the municipality is located, no plat of a subdivision of land lying within the
6 municipality shall be filed or recorded until it has been submitted to and a report
7 and recommendation thereon made by the commission to the city council and the
8 council has approved the plat as provided by law.

9 **2. (1) As used in this subsection, "transect-based zoning" means**
10 **a zoning classification system that prescriptively arranges uses,**
11 **elements, and environments according to a geographic cross-section**
12 **that range across a continuum from rural to urban, with the range of**
13 **environments providing the basis for organizing the components of the**
14 **constructed world, including buildings, lots, land use, street, and all**
15 **other physical elements of the human habitat, with the objective of**
16 **creating sustainable communities and emphasizing bicycle lanes, street**
17 **connectivity, and sidewalks, and permitting high-density and mixed use**
18 **development in urban areas.**

19 **(2) In the event that any city, town, or village adopts a zoning or**
20 **subdivision ordinance based on transect-based zoning, and such**
21 **transect-based zoning provisions conflict with the zoning provisions**
22 **adopted by code or ordinance of another political subdivision with**
23 **jurisdiction in such city, town, or village, the transect-based zoning**
24 **provisions governing street configuration requirements, including**
25 **number and locations of parking spaces, street, drive lane, and cul-de-**
26 **sac lengths and widths, turning radii, and improvements within the**
27 **right-of-way, shall prevail over any other conflicting or more restrictive**
28 **zoning provisions adopted by code or ordinance of the other political**
29 **subdivision.**

92.500. 1. The governing body of any city not within a county
2 may impose, by order or ordinance, a sales tax on all retail sales made
3 within the city which are subject to sales tax under chapter 144,
4 RSMo. The tax authorized in this section shall not exceed one-half of
5 one percent, and shall be imposed solely for the purpose of providing
6 revenues for the operation of public safety departments, including
7 police and fire departments, which operations are defined to include,

8 but not be limited to, compensation, pension programs, and health care
 9 for employees and pensioners of the public safety departments. The tax
 10 authorized in this section shall be in addition to all other sales taxes
 11 imposed by law, and shall be stated separately from all other charges
 12 and taxes. The order or ordinance shall not become effective unless the
 13 governing body of the city submits to the voters residing within the city
 14 at a state general, primary, or special election a proposal to authorize
 15 the governing body of the city to impose a tax under this section.

16 2. The ballot of submission for the tax authorized in this section
 17 shall be in substantially the following form:

18 Shall (insert the name of the city)
 19 impose a sales tax at a rate of (insert rate of percent) percent,
 20 solely for the purpose of providing revenues for the operation of public
 21 safety departments of the city, including hiring more police officers,
 22 prosecuting more criminals, nuisance crimes, and problem properties?

23 YES NO

24 If you are in favor of the question, place an "X" in the box opposite
 25 "YES". If you are opposed to the question, place an "X" in the box
 26 opposite "NO".

27 If a majority of the votes cast on the question by the qualified voters
 28 voting thereon are in favor of the question, then the tax shall become
 29 effective on the first day of the second calendar quarter immediately
 30 following notification to the department of revenue. If a majority of the
 31 votes cast on the question by the qualified voters voting thereon are
 32 opposed to the question, then the tax shall not become effective unless
 33 and until the question is resubmitted under this section to the qualified
 34 voters and such question is approved by a majority of the qualified
 35 voters voting on the question.

36 3. All revenue collected under this section by the director of the
 37 department of revenue on behalf of any city, except for one percent for
 38 the cost of collection which shall be deposited in the state's general
 39 revenue fund, shall be deposited in a special trust fund, which is
 40 hereby created and shall be known as the "Public Safety Protection
 41 Sales Tax Fund", and shall be used solely for the designated
 42 purposes. Moneys in the fund shall not be deemed to be state funds,
 43 and shall not be commingled with any funds of the state. The director
 44 may make refunds from the amounts in the trust fund and credited to
 45 the city for erroneous payments and overpayments made, and may
 46 redeem dishonored checks and drafts deposited to the credit of such

47 city. Any funds in the special trust fund which are not needed for
48 current expenditures shall be invested in the same manner as other
49 funds are invested. Any interest and moneys earned on such
50 investments shall be credited to the fund. The director shall keep
51 accurate records of the amounts in the fund, and such records shall be
52 open to the inspection of the officers of such city and to the public. Not
53 later than the tenth day of each month, the director shall distribute all
54 moneys deposited in the fund during the preceding month to the
55 city. Such funds shall be deposited with the treasurer of the city, and
56 all expenditures of moneys from the fund shall be by an appropriation
57 ordinance enacted by the governing body of the city.

58 4. On or after the effective date of the tax, the director of
59 revenue shall be responsible for the administration, collection,
60 enforcement, and operation of the tax, and sections 32.085 and 32.087,
61 RSMo, shall apply. In order to permit sellers required to collect and
62 report the sales tax to collect the amount required to be reported and
63 remitted, but not to change the requirements of reporting or remitting
64 the tax, or to serve as a levy of the tax, and in order to avoid fractions
65 of pennies, the governing body of the city may authorize the use of a
66 bracket system similar to that authorized in section 144.285, RSMo, and
67 notwithstanding the provisions of that section, this new bracket system
68 shall be used where this tax is imposed and shall apply to all taxable
69 transactions. Beginning with the effective date of the tax, every
70 retailer in the city shall add the sales tax to the sale price, and this tax
71 shall be a debt of the purchaser to the retailer until paid, and shall be
72 recoverable at law in the same manner as the purchase price. For
73 purposes of this section, all retail sales shall be deemed to be
74 consummated at the place of business of the retailer.

75 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
76 governing the state sales tax, and section 32.057, RSMo, the uniform
77 confidentiality provision, shall apply to the collection of the tax, and
78 all exemptions granted to agencies of government, organizations, and
79 persons under sections 144.010 to 144.525, RSMo, are hereby made
80 applicable to the imposition and collection of the tax. The same sales
81 tax permit, exemption certificate, and retail certificate required by
82 sections 144.010 to 144.525, RSMo, for the administration and collection
83 of the state sales tax shall satisfy the requirements of this section, and
84 no additional permit or exemption certificate or retail certificate shall
85 be required; except that, the director of revenue may prescribe a form

86 of exemption certificate for an exemption from the tax. All discounts
87 allowed the retailer under the state sales tax for the collection of and
88 for payment of taxes are hereby allowed and made applicable to the
89 tax. The penalties for violations provided in section 32.057, RSMo, and
90 sections 144.010 to 144.525, RSMo, are hereby made applicable to
91 violations of this section. If any person is delinquent in the payment
92 of the amount required to be paid under this section, or in the event a
93 determination has been made against the person for the tax and
94 penalties under this section, the limitation for bringing suit for the
95 collection of the delinquent tax and penalties shall be the same as that
96 provided in sections 144.010 to 144.525, RSMo.

97 6. The governing body of any city that has adopted the sales tax
98 authorized in this section may submit the question of repeal of the tax
99 to the voters on any date available for elections for the city. The ballot
100 of submission shall be in substantially the following form:

101 Shall (insert the name of the city)
102 repeal the sales tax imposed at a rate of (insert rate of percent)
103 percent for the purpose of providing revenues for the operation of
104 public safety departments of the city?

105 YES NO

106 If you are in favor of the question, place an "X" in the box opposite
107 "YES". If you are opposed to the question, place an "X" in the box
108 opposite "NO".

109 If a majority of the votes cast on the question by the qualified voters
110 voting thereon are in favor of repeal, that repeal shall become effective
111 on December thirty-first of the calendar year in which such repeal was
112 approved. If a majority of the votes cast on the question by the
113 qualified voters voting thereon are opposed to the repeal, then the sales
114 tax authorized in this section shall remain effective until the question
115 is resubmitted under this section to the qualified voters and the repeal
116 is approved by a majority of the qualified voters voting on the question.

117 7. Whenever the governing body of any city that has adopted the
118 sales tax authorized in this section receives a petition, signed by a
119 number of registered voters of the city equal to at least two percent of
120 the number of registered voters of the city voting in the last
121 gubernatorial election, calling for an election to repeal the sales tax
122 imposed under this section, the governing body shall submit to the
123 voters of the city a proposal to repeal the tax. If a majority of the votes
124 cast on the question by the qualified voters voting thereon are in favor

125 **of the repeal, the repeal shall become effective on December thirty-first**
 126 **of the calendar year in which such repeal was approved. If a majority**
 127 **of the votes cast on the question by the qualified voters voting thereon**
 128 **are opposed to the repeal, then the sales tax authorized in this section**
 129 **shall remain effective until the question is resubmitted under this**
 130 **section to the qualified voters and the repeal is approved by a majority**
 131 **of the qualified voters voting on the question.**

132 **8. If the tax is repealed or terminated by any means, all funds**
 133 **remaining in the special trust fund shall continue to be used solely for**
 134 **the designated purposes, and the city shall notify the director of the**
 135 **department of revenue of the action at least ninety days before the**
 136 **effective date of the repeal and the director may order retention in the**
 137 **trust fund, for a period of one year, of two percent of the amount**
 138 **collected after receipt of such notice to cover possible refunds or**
 139 **overpayment of the tax and to redeem dishonored checks and drafts**
 140 **deposited to the credit of such accounts. After one year has elapsed**
 141 **after the effective date of abolition of the tax in such city, the director**
 142 **shall remit the balance in the account to the city and close the account**
 143 **of that city. The director shall notify each city of each instance of any**
 144 **amount refunded or any check redeemed from receipts due the city.**

94.660. 1. The governing body of any city not within a county and any
 2 county of the first classification having a charter form of government with a
 3 population of over nine hundred thousand inhabitants may propose, by ordinance
 4 or order, a transportation sales tax of up to one percent for submission to the
 5 voters of that city or county at an authorized election date selected by the
 6 governing body.

7 2. Any sales tax approved under this section shall be imposed on the
 8 receipts from the sale at retail of all tangible personal property or taxable
 9 services within the city or county adopting the tax, if such property and services
 10 are subject to taxation by the state of Missouri under sections 144.010 to 144.525,
 11 RSMo.

12 3. The ballot of submission shall contain, but need not be limited to, the
 13 following language:

14 Shall the county/city of.....(county's or city's name)
 15 impose a county/city-wide sales tax of.....percent for the purpose of providing
 16 a source of funds for public transportation purposes?

17 YES NO

18 Except as provided in subsection 4 of this section, if a majority of the votes cast
 19 in that county or city not within a county on the proposal by the qualified voters

20 voting thereon are in favor of the proposal, then the tax shall go into effect on the
21 first day of the next calendar quarter beginning after its adoption and notice to
22 the director of revenue, but no sooner than thirty days after such adoption and
23 notice. If a majority of the votes cast in that county or city not within a county
24 by the qualified voters voting are opposed to the proposal, then the additional
25 sales tax shall not be imposed in that county or city not within a county unless
26 and until the governing body of that county or city not within a county shall have
27 submitted another proposal to authorize the local option transportation sales tax
28 authorized in this section, and such proposal is approved by a majority of the
29 qualified voters voting on it. In no event shall a proposal pursuant to this section
30 be submitted to the voters sooner than twelve months from the date of the last
31 proposal.

32 4. No tax shall go into effect under this section in any city not within a
33 county or any county of the first classification having a charter form of
34 government with a population over nine hundred thousand inhabitants unless
35 and until both such city and such county approve the tax.

36 **5. The provisions of subsection 4 of this section requiring both**
37 **the city and county to approve a transportation sales tax before a**
38 **transportation sales tax may go into effect in either jurisdiction shall**
39 **not apply to any transportation sales tax submitted to and approved by**
40 **the voters in such city or such county on or after August 28, 2007.**

41 [5.] 6. All sales taxes collected by the director of revenue under this
42 section on behalf of any city or county, less one percent for cost of collection which
43 shall be deposited in the state's general revenue fund after payment of premiums
44 for surety bonds, shall be deposited with the state treasurer in a special trust
45 fund, which is hereby created, to be known as the "County Public Transit Sales
46 Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087,
47 RSMo. The moneys in the trust fund shall not be deemed to be state funds and
48 shall not be commingled with any funds of the state. The director of revenue
49 shall keep accurate records of the amount of money in the trust fund which was
50 collected in each city or county approving a sales tax under this section, and the
51 records shall be open to inspection by officers of the city or county and the
52 public. Not later than the tenth day of each month the director of revenue shall
53 distribute all moneys deposited in the trust fund during the preceding month to
54 the city or county which levied the tax, and such funds shall be deposited with
55 the treasurer of each such city or county and all expenditures of funds arising
56 from the county public transit sales tax trust fund shall be by an appropriation
57 act to be enacted by the governing body of each such county or city not within a
58 county.

59 [6.] 7. The revenues derived from any transportation sales tax under this
60 section shall be used only for the planning, development, acquisition,
61 construction, maintenance and operation of public transit facilities and systems
62 other than highways.

63 [7.] 8. The director of revenue may authorize the state treasurer to make
64 refunds from the amount in the trust fund and credited to any city or county for
65 erroneous payments and overpayments made, and may redeem dishonored checks
66 and drafts deposited to the credit of such cities or counties. If any city or county
67 abolishes the tax, the city or county shall notify the director of revenue of the
68 action at least ninety days prior to the effective date of the repeal and the
69 director of revenue may order retention in the trust fund, for a period of one year,
70 of two percent of the amount collected after receipt of such notice to cover possible
71 refunds or overpayment of the tax and to redeem dishonored checks and drafts
72 deposited to the credit of such accounts. After one year has elapsed after the
73 effective date of abolition of the tax in such city or county, the director of revenue
74 shall authorize the state treasurer to remit the balance in the account to the city
75 or county and close the account of that city or county. The director of revenue
76 shall notify each city or county of each instance of any amount refunded or any
77 check redeemed from receipts due the city or county.

94.875. All taxes authorized and collected under sections 94.870 to 94.881
2 shall be deposited by the political subdivision in a special trust fund to be known
3 as the "Tourism Tax Trust Fund". The moneys in such tourism tax trust fund
4 shall not be commingled with any other funds of the political subdivision except
5 as specifically provided in this section. The taxes collected shall be used, upon
6 appropriation by the political subdivision, solely for the purpose of constructing,
7 maintaining, or operating convention and tourism facilities, and at least
8 twenty-five percent of such taxes collected shall be used for tourism marketing
9 and promotional purposes; except that in any city with a population of less than
10 [one] **seven** thousand five hundred inhabitants, forty percent of such taxes
11 collected may be transferred to such city's general revenue fund and the
12 remaining thirty-five percent may be used for city capital improvements,
13 pursuant to voter approval. The moneys in the tourism tax trust fund of any city
14 with a population of at least fifteen thousand located partially but not wholly
15 within a county of the third classification with a population of at least thirty-nine
16 thousand inhabitants shall be used solely for tourism marketing and promotional
17 purposes. The tax authorized by section 94.870 shall be in addition to any and
18 all other sales taxes allowed by law, but no ordinance or order imposing a tax
19 under section 94.870 shall be effective unless the governing body of the political
20 subdivision submits to the voters of the political subdivision at a municipal or

21 state general, primary, or special election a proposal to authorize the governing
22 body of the political subdivision to impose such tax.

[94.875. All taxes authorized and collected under sections
2 94.870 to 94.881 shall be deposited by the political subdivision in
3 a special trust fund to be known as the "Tourism Tax Trust
4 Fund". The moneys in such tourism tax trust fund shall not be
5 commingled with any other funds of the political subdivision except
6 as specifically provided in this section. The taxes collected [shall]
7 **may** be used, upon appropriation by the political subdivision,
8 [solely] for the purpose of constructing, maintaining, or operating
9 convention and tourism facilities[, and at least twenty-five percent
10 of such taxes collected shall be used for tourism marketing and
11 promotional purposes]; except that in any city with a population of
12 less than [one] **seven** thousand five hundred inhabitants, forty
13 percent of such taxes collected may be transferred to such city's
14 general revenue fund and the remaining thirty-five percent may be
15 used for city capital improvements, pursuant to voter
16 approval. The moneys in the tourism tax trust fund of any city
17 with a population of at least fifteen thousand located partially but
18 not wholly within a county of the third classification with a
19 population of at least thirty-nine thousand inhabitants shall be
20 used solely for tourism marketing and promotional purposes. The
21 tax authorized by section 94.870 shall be in addition to any and all
22 other sales taxes allowed by law, but no ordinance or order
23 imposing a tax under section 94.870 shall be effective unless the
24 governing body of the political subdivision submits to the voters of
25 the political subdivision at a municipal or state general, primary,
26 or special election a proposal to authorize the governing body of the
27 political subdivision to impose such tax.]

**94.950. 1. As used in this section, "museum" means museums
2 operating or to be built in the city and that are registered with the
3 United States Internal Revenue Service as a 501(c)(3) corporation, or
4 an organization that is registered with the United States Internal
5 Revenue Service as a 501(c)(3) corporation and that develops, promotes,
6 or operates historical locations or preservation sites.**

**7 2. The governing body of any home rule city with more than
8 forty-five thousand five hundred but fewer than forty-five thousand
9 nine hundred inhabitants and partially located in any county of the
10 first classification with more than one hundred four thousand six**

11 **hundred but fewer than one hundred four thousand seven hundred**
 12 **inhabitants may impose, by order or ordinance, a sales tax on all retail**
 13 **sales made within the city which are subject to sales tax under chapter**
 14 **144, RSMo. The tax authorized in this section shall not exceed one-half**
 15 **of one percent, and shall be imposed solely for the purpose of funding**
 16 **the operation, construction, or renovation of historical locations and**
 17 **museums to promote tourism. The tax authorized in this section shall**
 18 **be in addition to all other sales taxes imposed by law, and shall be**
 19 **stated separately from all other charges and taxes. The order or**
 20 **ordinance shall not become effective unless the governing body of the**
 21 **city submits to the voters residing within the city at a state general,**
 22 **primary, or special election a proposal to authorize the governing body**
 23 **of the city to impose a tax under this section.**

24 **3. The ballot of submission for the tax authorized in this section**
 25 **shall be in substantially the following form:**

26 **Shall (insert the name of the city) impose a**
 27 **sales tax at a rate of (insert rate of percent) percent, solely for**
 28 **the purpose of funding the operation, construction, or renovation of**
 29 **historical locations and museums to promote tourism?**

30 **YES** **NO**

31 **If you are in favor of the question, place an "X" in the box opposite**
 32 **"YES". If you are opposed to the question, place an "X" in the box**
 33 **opposite "NO".**

34 **If a majority of the votes cast on the question by the qualified voters**
 35 **voting thereon are in favor of the question, then the tax shall become**
 36 **effective on the first day of the second calendar quarter immediately**
 37 **following notification to the department of revenue. If a majority of the**
 38 **votes cast on the question by the qualified voters voting thereon are**
 39 **opposed to the question, then the tax shall not become effective unless**
 40 **and until the question is resubmitted under this section to the qualified**
 41 **voters and such question is approved by a majority of the qualified**
 42 **voters voting on the question.**

43 **4. All revenue collected under this section by the director of the**
 44 **department of revenue on behalf of any city, except for one percent for**
 45 **the cost of collection which shall be deposited in the state's general**
 46 **revenue fund, shall be deposited in a special trust fund, which is**
 47 **hereby created and shall be known as the "Local Option Museum Sales**
 48 **Tax Trust Fund", and shall be used solely for the designated**
 49 **purposes. Moneys in the fund shall not be deemed to be state funds,**

50 and shall not be commingled with any funds of the state. The director
51 may make refunds from the amounts in the trust fund and credited to
52 the city for erroneous payments and overpayments made, and may
53 redeem dishonored checks and drafts deposited to the credit of such
54 city. Any funds in the trust fund which are not needed for current
55 expenditures shall be invested in the same manner as other funds are
56 invested. Any interest and moneys earned on such investments shall be
57 credited to the fund. Not later than the tenth day of each month, the
58 director shall distribute all moneys deposited in the trust fund during
59 the preceding month to the city that levied the sales tax.

60 5. On or after the effective date of the tax, the director of
61 revenue shall be responsible for the administration, collection,
62 enforcement, and operation of the tax, and sections 32.085 and 32.087,
63 RSMo, shall apply. In order to permit sellers required to collect and
64 report the sales tax to collect the amount required to be reported and
65 remitted, but not to change the requirements of reporting or remitting
66 the tax, or to serve as a levy of the tax, and in order to avoid fractions
67 of pennies, the governing body of the city may authorize the use of a
68 bracket system similar to that authorized in section 144.285, RSMo, and
69 notwithstanding the provisions of that section, this new bracket system
70 shall be used where this tax is imposed and shall apply to all taxable
71 transactions. Beginning with the effective date of the tax, every
72 retailer in the city shall add the sales tax to the sale price, and this tax
73 shall be a debt of the purchaser to the retailer until paid, and shall be
74 recoverable at law in the same manner as the purchase price. For
75 purposes of this section, all retail sales shall be deemed to be
76 consummated at the place of business of the retailer.

77 6. All applicable provisions in sections 144.010 to 144.525, RSMo,
78 governing the state sales tax, and section 32.057, RSMo, the uniform
79 confidentiality provision, shall apply to the collection of the tax, and
80 all exemptions granted to agencies of government, organizations, and
81 persons under sections 144.010 to 144.525, RSMo, are hereby made
82 applicable to the imposition and collection of the tax. The same sales
83 tax permit, exemption certificate, and retail certificate required by
84 sections 144.010 to 144.525, RSMo, for the administration and collection
85 of the state sales tax shall satisfy the requirements of this section, and
86 no additional permit or exemption certificate or retail certificate shall
87 be required; except that, the director of revenue may prescribe a form
88 of exemption certificate for an exemption from the tax. All discounts

89 allowed the retailer under the state sales tax for the collection of and
 90 for payment of taxes are hereby allowed and made applicable to the
 91 tax. The penalties for violations provided in section 32.057, RSMo, and
 92 sections 144.010 to 144.525, RSMo, are hereby made applicable to
 93 violations of this section. If any person is delinquent in the payment
 94 of the amount required to be paid under this section, or in the event a
 95 determination has been made against the person for the tax and
 96 penalty under this section, the limitation for bringing suit for the
 97 collection of the delinquent tax and penalties shall be the same as that
 98 provided in sections 144.010 to 144.525, RSMo.

99 7. The governing body of any city that has adopted the sales tax
 100 authorized in this section may submit the question of repeal of the tax
 101 to the voters on any date available for elections for the city. The ballot
 102 of submission shall be in substantially the following form:

103 Shall (insert the name of the city)
 104 repeal the sales tax imposed at a rate of (insert rate of percent)
 105 percent for the purpose of funding the operation, construction, or
 106 renovation of historical locations and museums to promote tourism?

107 YES NO

108 If you are in favor of the question, place an "X" in the box opposite
 109 "YES". If you are opposed to the question, place an "X" in the box
 110 opposite "NO".

111 If a majority of the votes cast on the question by the qualified voters
 112 voting thereon are in favor of repeal, that repeal shall become effective
 113 on December thirty-first of the calendar year in which such repeal was
 114 approved. If a majority of the votes cast on the question by the
 115 qualified voters voting thereon are opposed to the repeal, then the sales
 116 tax authorized in this section shall remain effective until the question
 117 is resubmitted under this section to the qualified voters and the repeal
 118 is approved by a majority of the qualified voters voting on the question.

119 8. Whenever the governing body of any city that has adopted the
 120 sales tax authorized in this section receives a petition, signed by a
 121 number of registered voters of the city equal to at least two percent of
 122 the number of registered voters of the city voting in the last
 123 gubernatorial election, calling for an election to repeal the sales tax
 124 imposed under this section, the governing body shall submit to the
 125 voters of the city a proposal to repeal the tax. If a majority of the votes
 126 cast on the question by the qualified voters voting thereon are in favor
 127 of the repeal, the repeal shall become effective on December thirty-first

128 of the calendar year in which such repeal was approved. If a majority
129 of the votes cast on the question by the qualified voters voting thereon
130 are opposed to the repeal, then the sales tax authorized in this section
131 shall remain effective until the question is resubmitted under this
132 section to the qualified voters and the repeal is approved by a majority
133 of the qualified voters voting on the question.

134 9. If the tax is repealed or terminated by any means, all funds
135 remaining in the trust fund shall continue to be used solely for the
136 designated purposes, and the city shall notify the director of the
137 department of revenue of the action at least thirty days before the
138 effective date of the repeal and the director may order retention in the
139 trust fund, for a period of one year, of two percent of the amount
140 collected after receipt of such notice to cover possible refunds or
141 overpayment of the tax and to redeem dishonored checks and drafts
142 deposited to the credit of such accounts. After one year has elapsed
143 after the effective date of abolition of the tax in such city, the director
144 shall remit the balance in the account to the city and close the account
145 of that city. The director shall notify each city of each instance of any
146 amount refunded or any check redeemed from receipts due the city.

99.847. 1. Notwithstanding the provisions of sections 99.800 to 99.865 to
2 the contrary, no new tax increment financing project shall be authorized in any
3 area which is within an area designated as flood plain by the Federal Emergency
4 Management Agency and which is located in or partly within a county with a
5 charter form of government with greater than two hundred fifty thousand
6 inhabitants but fewer than three hundred thousand inhabitants, **unless the**
7 **redevelopment area actually abuts a river or a major waterway and is**
8 **substantially surrounded by contiguous properties with residential,**
9 **industrial, or commercial zoning classifications.**

10 2. This subsection shall not apply to tax increment financing projects or
11 districts approved prior to July 1, 2003, and shall allow the aforementioned tax
12 increment financing projects to modify, amend or expand such projects including
13 redevelopment project costs by not more than forty percent of such project
14 original projected cost including redevelopment project costs as such projects
15 including redevelopment project costs as such projects redevelopment projects
16 including redevelopment project costs existed as of June 30, 2003, and shall allow
17 the aforementioned tax increment financing district to modify, amend or expand
18 such districts by not more than five percent as such districts existed as of June
19 30, 2003.

100.050. 1. Any municipality proposing to carry out a project for

2 industrial development shall first, by majority vote of the governing body of the
3 municipality, approve the plan for the project. The plan shall include the
4 following information pertaining to the proposed project:

- 5 (1) A description of the project;
- 6 (2) An estimate of the cost of the project;
- 7 (3) A statement of the source of funds to be expended for the project;
- 8 (4) A statement of the terms upon which the facilities to be provided by
9 the project are to be leased or otherwise disposed of by the municipality; and
- 10 (5) Such other information necessary to meet the requirements of sections
11 100.010 to 100.200.

12 2. If the plan for the project is approved after August 28, 2003, and the
13 project plan involves issuance of revenue bonds or involves conveyance of a fee
14 interest in property to a municipality, the project plan shall additionally include
15 the following information:

- 16 (1) A statement identifying each school district, junior college district,
17 county, or city affected by such project except property assessed by the state tax
18 commission pursuant to chapters 151 and 153, RSMo;
- 19 (2) The most recent equalized assessed valuation of the real property and
20 personal property included in the project, and an estimate as to the equalized
21 assessed valuation of real property and personal property included in the project
22 after development;
- 23 (3) An analysis of the costs and benefits of the project on each school
24 district, junior college district, county, or city; and
- 25 (4) Identification of any payments in lieu of taxes expected to be made by
26 any lessee of the project, and the disposition of any such payments by the
27 municipality.

28 3. If the plan for the project is approved after August 28, 2003, any
29 payments in lieu of taxes expected to be made by any lessee of the project shall
30 be applied in accordance with this section. The lessee may reimburse the
31 municipality for its actual costs of issuing the bonds and administering the plan.
32 All amounts paid in excess of such actual costs shall, immediately upon receipt
33 thereof, be disbursed by the municipality's treasurer or other financial officer to
34 each school district, junior college district, county, or city in proportion to the
35 current ad valorem tax levy of each school district, junior college district, county,
36 or city; however, in any county of the first classification with more than
37 ninety-three thousand eight hundred but fewer than ninety-three thousand nine
38 hundred inhabitants, **or any county of the first classification with more**
39 **than one hundred thirty-five thousand four hundred but fewer than one**
40 **hundred thirty-five thousand five hundred inhabitants**, if the plan for the

41 project is approved after May 15, 2005, such amounts shall be disbursed by the
42 municipality's treasurer or other financial officer to each affected taxing entity
43 in proportion to the current ad valorem tax levy of each affected taxing entity.

100.059. 1. The governing body of any municipality proposing a project
2 for industrial development which involves issuance of revenue bonds or involves
3 conveyance of a fee interest in property to a municipality shall, not less than
4 twenty days before approving the plan for a project as required by section
5 100.050, provide notice of the proposed project to the county in which the
6 municipality is located and any school district that is a school district, junior
7 college district, county, or city; however, in any county of the first classification
8 with more than ninety-three thousand eight hundred but fewer than ninety-three
9 thousand nine hundred inhabitants, **or any county of the first classification**
10 **with more than one hundred thirty-five thousand four hundred but**
11 **fewer than one hundred thirty-five thousand five hundred inhabitants,**
12 if the plan for the project is approved after May 15, 2005, such notice shall be
13 provided to all affected taxing entities in the county. Such notice shall include
14 the information required in section 100.050, shall state the date on which the
15 governing body of the municipality will first consider approval of the plan, and
16 shall invite such school districts, junior college districts, counties, or cities to
17 submit comments to the governing body and the comments shall be fairly and
18 duly considered.

2. Notwithstanding any other provisions of this section to the contrary,
20 for purposes of determining the limitation on indebtedness of local government
21 pursuant to section 26(b), article VI, Constitution of Missouri, the current
22 equalized assessed value of the property in an area selected for redevelopment
23 attributable to the increase above the total initial equalized assessed valuation
24 shall be included in the value of taxable tangible property as shown on the last
25 completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all
27 property within the school district, junior college district, county, or city in the
28 aggregate valuation of assessed property entered upon the assessor's book and
29 verified pursuant to section 137.245, RSMo, and such value shall be utilized for
30 the purpose of the debt limitation on local government pursuant to section 26(b),
31 article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved
33 after August 28, 2003.

108.170. 1. Notwithstanding any other provisions of any law or charter
2 to the contrary, any issue of bonds, notes, or other evidences of indebtedness,
3 including bonds, notes, or other evidences of indebtedness payable solely from

4 revenues derived from any revenue-producing facility, hereafter issued under any
5 law of this state by any county, city, town, village, school district, educational
6 institution, drainage district, levee district, nursing home district, hospital
7 district, library district, road district, fire protection district, water supply
8 district, sewer district, housing authority, land clearance for redevelopment
9 authority, special authority created under section 64.920, RSMo, authority
10 created pursuant to the provisions of chapter 238, RSMo, or other municipality,
11 political subdivision or district of this state shall be negotiable, may be issued in
12 bearer form or registered form with or without coupons to evidence interest
13 payable thereon, may be issued in any denomination, and may bear interest at
14 a rate not exceeding ten percent per annum, and may be sold, at any sale, at the
15 best price obtainable, not less than ninety-five percent of the par value thereof,
16 anything in any proceedings heretofore had authorizing such bonds, notes, or
17 other evidence of indebtedness, or in any law of this state or charter provision to
18 the contrary notwithstanding. Such issue of bonds, notes, or other evidence of
19 indebtedness may bear interest at a rate not exceeding fourteen percent per
20 annum if sold at public sale after giving reasonable notice of such sale, at the
21 best price obtainable, not less than ninety-five percent of the par value thereof;
22 provided, that such bonds, notes, or other evidence of indebtedness may be sold
23 to any agency or corporate or other instrumentality of the state of Missouri or of
24 the federal government at private sale at a rate not exceeding fourteen percent
25 per annum.

26 2. Notwithstanding the provisions of subsection 1 of this section to the
27 contrary, the sale of bonds, notes, or other evidence of indebtedness issued by the
28 state board of public buildings created under section 8.010, RSMo, the state board
29 of fund commissioners created under section 33.300, RSMo, any port authority
30 created under section 68.010, RSMo, the bi-state metropolitan development
31 district authorized under section 70.370, RSMo, any special business district
32 created under section 71.790, RSMo, any county, as defined in section 108.465,
33 exercising the powers granted by sections 108.450 to 108.470, the industrial
34 development board created under section 100.265, RSMo, any planned industrial
35 expansion authority created under section 100.320, RSMo, the higher education
36 loan authority created under section 173.360, RSMo, the Missouri housing
37 development commission created under section 215.020, RSMo, the state
38 environmental improvement and energy resources authority created under section
39 260.010, RSMo, the agricultural and small business development authority
40 created under section 348.020, RSMo, any industrial development corporation
41 created under section 349.035, RSMo, or the health and educational facilities
42 authority created under section 360.020, RSMo, shall, with respect to the sales

43 price, manner of sale and interest rate, be governed by the specific sections
44 applicable to each of these entities.

45 3. Notwithstanding other provisions of this section or other law, the sale
46 of bonds, notes or other evidence of indebtedness issued by any housing authority
47 created under section 99.040, RSMo, may be sold at any sale, at the best price
48 obtainable, not less than ninety-five percent of the par value thereof, and may
49 bear interest at a rate not exceeding fourteen percent per annum. The sale shall
50 be a public sale unless the issuing jurisdiction adopts a resolution setting forth
51 clear justification why the sale should be a private sale except that private
52 activity bonds may be sold either at public or private sale.

53 4. Notwithstanding other provisions of this section or law, industrial
54 development revenue bonds may be sold at private sale and bear interest at a
55 rate not exceeding fourteen percent per annum at the best price obtainable, not
56 less than ninety-five percent of the par value thereof.

57 5. Notwithstanding other provisions in subsection 1 of this section to the
58 contrary, revenue bonds issued for airport purposes by any constitutional charter
59 city in this state which now has or may hereafter acquire a population of more
60 than three hundred thousand but less than six hundred thousand inhabitants,
61 according to the last federal decennial census, may bear interest at a rate not
62 exceeding fourteen percent per annum if sold at public sale after giving
63 reasonable notice, at the best price obtainable, not less than ninety-five percent
64 of the par value thereof.

65 6. For purposes of the interest rate limitations set forth in this section,
66 the interest rate on bonds, notes or other evidence of indebtedness described in
67 this section means the rate at which the present value of the debt service
68 payments on an issue of bonds, notes or other evidence of indebtedness,
69 discounted to the date of issuance, equals the original price at which such bonds,
70 notes or other evidence of indebtedness are sold by the issuer. Interest on bonds,
71 notes or other evidence of indebtedness may be paid periodically at such times as
72 shall be determined by the governing body of the issuer and may be compounded
73 in accordance with section 408.080, RSMo.

74 **7. Notwithstanding any provision of law or charter to the**
75 **contrary:**

76 **(1) Any entity referenced in subsection 1 or 2 of this section and**
77 **any other political corporation of the state which entity or political**
78 **corporation has an annual operating budget for the current year**
79 **exceeding twenty-five million dollars may, in connection with managing**
80 **the cost to such entity or political corporation of purchasing fuel,**
81 **electricity, natural gas, and other commodities used in the ordinary**

82 course of its lawful operations, enter into agreements providing for
83 fixing the cost of such commodity, including without limitation
84 agreements commonly referred to as hedges, futures, and options;
85 provided that as of the date of such agreement, such entity or political
86 corporation shall have complied with subdivision (3) of this subsection;
87 and further provided that no eligible school, as defined in section
88 393.310, RSMo, shall be authorized by this subsection to enter into such
89 agreements in connection with the purchase of natural gas while the
90 tariffs required under section 393.310, RSMo, are in effect;

91 (2) Any entity referenced in subsection 1 or 2 of this section and
92 any other political corporation of the state may, in connection with its
93 bonds, notes, or other obligations then outstanding or to be issued and
94 bearing interest at a fixed or variable rate, enter into agreements
95 providing for payments based on levels of or changes in interest rates,
96 including without limitation certain derivative agreements commonly
97 referred to as interest rate swaps, hedges, caps, floors, and collars,
98 provided that:

99 (a) As of the date of issuance of the bonds, notes, or other
100 obligations to which such agreement relates, such entity or political
101 corporation will have bonds, notes, or other obligations outstanding in
102 an aggregate principal amount of at least fifty million dollars; and

103 (b) As of the date of such agreement, such entity's or political
104 corporation's bonds, notes, or other obligations then outstanding or to
105 be issued have received a stand-alone credit rating in one of the two
106 highest categories, without regard to any gradation within such
107 categories, from at least one nationally recognized credit rating agency,
108 or such entity or political corporation has an issuer or general credit
109 rating, in one of the two highest categories, without regard to any
110 gradation within such categories, from at least one nationally
111 recognized credit rating agency; and

112 (c) As of the date of such agreement, such entity or political
113 corporation shall have complied with subdivision (3) of this subsection;

114 (3) Prior to entering into any agreements pursuant to
115 subdivision (1) or (2) of this subsection, the governing body of the
116 entity or political corporations entering into such agreements shall
117 have adopted a written policy governing such agreements. Such policy
118 shall be prepared by integrating the recommended practices published
119 by the Government Finance Officers Association or comparable
120 nationally recognized professional organization and shall provide

121 **guidance with respect to the permitted purposes, authorization process,**
122 **mitigation of risk factors, ongoing oversight responsibilities, market**
123 **disclosure, financial strategy, and any other factors in connection with**
124 **such agreements determined to be relevant by the governing body of**
125 **such entity or political corporation. Such entity or political**
126 **corporation may enter into such agreements at such times and such**
127 **agreements may contain such payment, security, default, remedy, and**
128 **other terms and conditions as shall be consistent with the written**
129 **policy adopted under this subdivision and as may be approved by the**
130 **governing body of such entity or other obligated party, including any**
131 **rating by any nationally recognized rating agency and any other**
132 **criteria as may be appropriate;**

133 **(4) Nothing in this subsection shall be applied or interpreted to**
134 **authorize any such entity or political corporation to enter into any**
135 **such agreement for investment purposes or to diminish or alter the**
136 **special or general power any such entity or political corporation may**
137 **otherwise have under any other provisions of law including the special**
138 **or general power of any interstate transportation authority.**

110.130. 1. Subject to the provisions of section 110.030 the county
2 commission of each county in this state[, at the April term, in April 1997] **on or**
3 **before the first Monday in July in the year in which a bid is requested**
4 and every fourth year thereafter, with an option to rebid in each odd-numbered
5 year, shall receive proposals from banking corporations or associations at the
6 county seat of the county which desire to be selected as the depositories of the
7 funds of the county. [For the purpose of letting the funds the county commission
8 shall, by order of record, divide the funds into not less than two nor more than
9 twelve equal parts, except that in counties of the first classification not having
10 a charter form of government, funds shall be divided in not less than two nor
11 more than twenty equal parts, and the bids provided for in sections 110.140 and
12 110.150 may be for one or more of the parts.]

13 2. Notice that such bids will be received shall be published by the clerk
14 of the commission twenty days before the commencement of the term in some
15 newspaper published in the county, and if no newspaper is published therein,
16 then the notice shall be published at the door of the courthouse of the county. In
17 counties operating under the township organization law of this state, township
18 boards shall exercise the same powers and privileges with reference to township
19 funds as are conferred in sections 110.130 to 110.260 upon county commissions
20 with reference to county funds at the same time and manner, except that
21 township funds shall not be divided but let as an entirety; and except, also, that

22 in all cases of the letting of township funds, three notices, posted in three public
23 places by the township clerk, will be a sufficient notice of such letting.

110.140. 1. Any banking corporation or association in the county desiring
2 to bid shall deliver to the clerk of the commission, on or before the first [day of
3 the term] **Monday of July** at which the selection of depositaries is to be made,
4 a sealed proposal, stating the rate of interest that the banking corporation, or
5 association offers to pay on the funds of the county for the term of two or four
6 years next ensuing the date of the bid, or, if the selection is made for a less term
7 than two or four years, as provided in sections 110.180 and 110.190, then for the
8 time between the date of the bid and the next regular time for the selection of
9 depositaries as fixed by section 110.130[, and stating also the number of parts of
10 the funds for which the banking corporation or association desires to bid].

11 2. Each bid shall be accompanied by a certified check for not less than the
12 proportion of one and one-half percent of the county revenue of the preceding year
13 as the sum of the part or parts of funds bid for bears to the whole number of the
14 parts, as a guaranty of good faith on the part of the bidder, that if his **or her** bid
15 should be the highest he **or she** will provide the security required by section
16 110.010. Upon his **or her** failure to give the security required by law, the
17 amount of the certified check shall go to the county as liquidated damages, and
18 the commission may order the county clerk to readvertise for bids.

19 3. It shall be a misdemeanor, and punishable as such, for the clerk of the
20 commission, or any deputy of the clerk, to directly or indirectly disclose the
21 amount of any bid before the selection of depositaries.

110.150. 1. The county commission, at noon on **or before** the first [day
2 of the April term in 1997] **Monday of July for the year in which a bid is**
3 **requested** and every second or fourth year thereafter, shall publicly open the
4 bids, and cause each bid to be entered upon the records of the commission, and
5 shall select as the depositaries of all the public funds of every kind and
6 description going into the hands of the county treasurer, and also all the public
7 funds of every kind and description going into the hands of the ex officio collector
8 in counties under township organization, the deposit of which is not otherwise
9 provided for by law, the banking corporations or associations whose bids
10 respectively made for one or more of the parts of the funds shall in the aggregate
11 constitute the largest offer for the payment of interest per annum for the funds;
12 but the commission may reject any and all bids.

13 2. The interest upon each fund shall be computed upon the daily balances
14 with the depositary, and shall be payable to the county treasurer monthly, who
15 shall place the interest [on the school funds to the credit of those funds
16 respectively, the interest on all county hospital funds and hospital district funds

17 to the credit of those funds, the interest on county health center funds to the
18 credit of those funds, the interest on county library funds to the credit of those
19 funds and the interest on all other funds to the credit of the county general fund]
20 to the credit of each individual fund held by the county treasurer; provided, that
21 the interest on any funds collected by the collector of any county of the first
22 classification not having a charter form of government on behalf of any political
23 subdivision or special district shall be credited to such political subdivision or
24 special district.

25 3. The county clerk shall, in opening the bids, return the certified checks
26 deposited with him to the banks whose bids are rejected, and on approval of the
27 security of the successful bidders return the certified checks to the banks whose
28 bids are accepted.

 137.055. 1. After the assessor's book of each county, except in the city of
2 St. Louis, shall be corrected and adjusted according to law, but not later than
3 September twentieth, of each year, the county governing body shall ascertain the
4 sum necessary to be raised for county purposes, and fix the rate of taxes on the
5 several subjects of taxation so as to raise the required sum, and the same to be
6 entered in the proper columns in the tax book.

7 2. Prior to fixing the rate of taxes, as provided in this section, the county
8 governing body shall hold a public hearing on the proposed rate of taxes. A notice
9 stating the time and place for the hearing shall be published in at least one
10 newspaper qualified under the laws of Missouri of general circulation in the
11 county at least seven days prior to the date of the hearing. The notice shall
12 include the aggregate assessed valuation by category of real, total personal and
13 other tangible property in the county as entered in the tax book for the fiscal year
14 for which the tax is to be levied, the aggregate assessed valuation by category of
15 real, total personal and other tangible property in the county for the preceding
16 taxable year, the required sums to be raised from the property tax for each
17 purpose for which the county levies taxes as approved in the budget adopted
18 under chapter 50, RSMo, [and] the proposed rate of taxes which will produce
19 substantially the same revenues as required by the budget, **and the increase**
20 **in tax revenue realized due to an increase in assessed value as a result**
21 **of new construction and improvement, and the increase, both in dollar**
22 **value and percentage, in tax revenue as a result of reassessment if the**
23 **proposed tax rate is adopted.** Failure of any taxpayer to appear at said
24 hearing shall not prevent the taxpayer from pursuit of any other legal remedy
25 otherwise available to the taxpayer. Nothing in this subsection absolves county
26 governing bodies of responsibilities under section 137.073 nor to adjust tax rates
27 in event changes in assessed valuation occur that would alter the tax rate

28 calculations.

137.115. 1. All other laws to the contrary notwithstanding, the assessor
2 or the assessor's deputies in all counties of this state including the city of St.
3 Louis shall annually make a list of all real and tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in
5 subsection 3 of this section and section 137.078, the assessor shall annually
6 assess all personal property at thirty-three and one-third percent of its true value
7 in money as of January first of each calendar year. The assessor shall annually
8 assess all real property, including any new construction and improvements to real
9 property, and possessory interests in real property at the percent of its true value
10 in money set in subsection 5 of this section. The assessor shall annually assess
11 all real property in the following manner: new assessed values shall be
12 determined as of January first of each odd-numbered year and shall be entered
13 in the assessor's books; those same assessed values shall apply in the following
14 even-numbered year, except for new construction and property improvements
15 which shall be valued as though they had been completed as of January first of
16 the preceding odd-numbered year. The assessor may call at the office, place of
17 doing business, or residence of each person required by this chapter to list
18 property, and require the person to make a correct statement of all taxable
19 tangible personal property owned by the person or under his or her care, charge
20 or management, taxable in the county. On or before January first of each
21 even-numbered year, the assessor shall prepare and submit a two-year
22 assessment maintenance plan to the county governing body and the state tax
23 commission for their respective approval or modification. The county governing
24 body shall approve and forward such plan or its alternative to the plan to the
25 state tax commission by February first. If the county governing body fails to
26 forward the plan or its alternative to the plan to the state tax commission by
27 February first, the assessor's plan shall be considered approved by the county
28 governing body. If the state tax commission fails to approve a plan and if the
29 state tax commission and the assessor and the governing body of the county
30 involved are unable to resolve the differences, in order to receive state cost-share
31 funds outlined in section 137.750, the county or the assessor shall petition the
32 administrative hearing commission, by May first, to decide all matters in dispute
33 regarding the assessment maintenance plan. Upon agreement of the parties, the
34 matter may be stayed while the parties proceed with mediation or arbitration
35 upon terms agreed to by the parties. The final decision of the administrative
36 hearing commission shall be subject to judicial review in the circuit court of the
37 county involved. In the event a valuation of subclass (1) real property within any
38 county with a charter form of government, or within a city not within a county,

39 is made by a computer, computer-assisted method or a computer program, the
40 burden of proof, supported by clear, convincing and cogent evidence to sustain
41 such valuation, shall be on the assessor at any hearing or appeal. In any such
42 county, unless the assessor proves otherwise, there shall be a presumption that
43 the assessment was made by a computer, computer-assisted method or a
44 computer program. Such evidence shall include, but shall not be limited to, the
45 following:

46 (1) The findings of the assessor based on an appraisal of the property by
47 generally accepted appraisal techniques; and

48 (2) The purchase prices from sales of at least three comparable properties
49 and the address or location thereof. As used in this paragraph, the word
50 "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the
53 disputed property, except where no similar properties exist within one mile of the
54 disputed property, the nearest comparable property shall be used. Such property
55 shall be within five hundred square feet in size of the disputed property, and
56 resemble the disputed property in age, floor plan, number of rooms, and other
57 relevant characteristics.

58 2. Assessors in each county of this state and the city of St. Louis may send
59 personal property assessment forms through the mail.

60 3. The following items of personal property shall each constitute separate
61 subclasses of tangible personal property and shall be assessed and valued for the
62 purposes of taxation at the following [percents] **percentages** of their true value
63 in money:

64 (1) Grain and other agricultural crops in an unmanufactured condition,
65 one-half of one percent;

66 (2) Livestock, twelve percent;

67 (3) Farm machinery, twelve percent;

68 (4) Motor vehicles which are eligible for registration as and are registered
69 as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which
70 are at least twenty-five years old and which are used solely for noncommercial
71 purposes and are operated less than fifty hours per year or aircraft that are home
72 built from a kit, five percent;

73 (5) Poultry, twelve percent; and

74 (6) Tools and equipment used for pollution control and tools and
75 equipment used in retooling for the purpose of introducing new product lines or
76 used for making improvements to existing products by any company which is
77 located in a state enterprise zone and which is identified by any standard

78 industrial classification number cited in subdivision (6) of section 135.200, RSMo,
79 twenty-five percent.

80 4. The person listing the property shall enter a true and correct statement
81 of the property, in a printed blank prepared for that purpose. The statement,
82 after being filled out, shall be signed and either affirmed or sworn to as provided
83 in section 137.155. The list shall then be delivered to the assessor.

84 5. All subclasses of real property, as such subclasses are established in
85 section 4(b) of article X of the Missouri Constitution and defined in section
86 137.016, shall be assessed at the following percentages of true value:

87 (1) For real property in subclass (1), nineteen percent;

88 (2) For real property in subclass (2), twelve percent; and

89 (3) For real property in subclass (3), thirty-two percent.

90 6. Manufactured homes, as defined in section 700.010, RSMo, which are
91 actually used as dwelling units shall be assessed at the same percentage of true
92 value as residential real property for the purpose of taxation. The percentage of
93 assessment of true value for such manufactured homes shall be the same as for
94 residential real property. If the county collector cannot identify or find the
95 manufactured home when attempting to attach the manufactured home for
96 payment of taxes owed by the manufactured home owner, the county collector
97 may request the county commission to have the manufactured home removed from
98 the tax books, and such request shall be granted within thirty days after the
99 request is made; however, the removal from the tax books does not remove the tax
100 lien on the manufactured home if it is later identified or found. A manufactured
101 home located in a manufactured home rental park, rental community or on real
102 estate not owned by the manufactured home owner shall be considered personal
103 property. A manufactured home located on real estate owned by the
104 manufactured home owner may be considered real property.

105 7. Each manufactured home assessed shall be considered a parcel for the
106 purpose of reimbursement pursuant to section 137.750, unless the manufactured
107 home has been converted to real property in compliance with section 700.111,
108 RSMo, and assessed as a realty improvement to the existing real estate parcel.

109 8. Any amount of tax due and owing based on the assessment of a
110 manufactured home shall be included on the personal property tax statement of
111 the manufactured home owner unless the manufactured home has been converted
112 to real property in compliance with section 700.111, RSMo, in which case the
113 amount of tax due and owing on the assessment of the manufactured home as a
114 realty improvement to the existing real estate parcel shall be included on the real
115 property tax statement of the real estate owner.

116 9. The assessor of each county and each city not within a county shall use

117 the trade-in value published in the October issue of the National Automobile
118 Dealers' Association Official Used Car Guide, or its successor publication, as the
119 recommended guide of information for determining the true value of motor
120 vehicles described in such publication. In the absence of a listing for a particular
121 motor vehicle in such publication, the assessor shall use such information or
122 publications which in the assessor's judgment will fairly estimate the true value
123 in money of the motor vehicle.

124 10. Before the assessor may increase the assessed valuation of any parcel
125 of subclass (1) real property by more than fifteen percent since the last
126 assessment, excluding increases due to new construction or improvements, the
127 assessor shall conduct a physical inspection of such property.

128 11. If a physical inspection is required, pursuant to subsection 10 of this
129 section, the assessor shall notify the property owner of that fact in writing and
130 shall provide the owner clear written notice of the owner's rights relating to the
131 physical inspection. If a physical inspection is required, the property owner may
132 request that an interior inspection be performed during the physical
133 inspection. The owner shall have no less than thirty days to notify the assessor
134 of a request for an interior physical inspection.

135 12. A physical inspection, as required by subsection 10 of this section,
136 shall include, but not be limited to, an on-site personal observation and review
137 of all exterior portions of the land and any buildings and improvements to which
138 the inspector has or may reasonably and lawfully gain external access, and shall
139 include an observation and review of the interior of any buildings or
140 improvements on the property upon the timely request of the owner pursuant to
141 subsection 11 of this section. Mere observation of the property via a "drive-by
142 inspection" or the like shall not be considered sufficient to constitute a physical
143 inspection as required by this section.

144 13. The provisions of subsections 11 and 12 of this section shall only apply
145 in any county with a charter form of government with more than one million
146 inhabitants.

147 14. A county or city collector may accept credit cards as proper form of
148 payment of outstanding property tax or license due. No county or city collector
149 may charge surcharge for payment by credit card which exceeds the fee or
150 surcharge charged by the credit card bank, processor, or issuer for its service. A
151 county or city collector may accept payment by electronic transfers of funds in
152 payment of any tax or license and charge the person making such payment a fee
153 equal to the fee charged the county by the bank, processor, or issuer of such
154 electronic payment.

155 15. [The provisions of this section and sections 137.073, 138.060 and

156 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
157 assembly, second regular session, shall become effective January 1, 2003, for any
158 taxing jurisdiction within a county with a charter form of government with
159 greater than one million inhabitants, and the provisions of this section and
160 sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150
161 of the ninety-first general assembly, second regular session, shall become effective
162 October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not
163 within a county in this state may, by an affirmative vote of the governing body
164 of such county, opt out of the provisions of this section and sections 137.073,
165 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first
166 general assembly, second regular session and section 137.073 as modified by this
167 act, for the next year of the general reassessment, prior to January first of any
168 year. No county or city not within a county shall exercise this opt-out provision
169 after implementing the provisions of this section and sections 137.073, 138.060,
170 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
171 assembly, second regular session and section 137.073 as modified by this act, in
172 a year of general reassessment. For the purposes of applying the provisions of
173 this subsection, a political subdivision contained within two or more counties
174 where at least one of such counties has opted out and at least one of such
175 counties has not opted out shall calculate a single tax rate as in effect prior to the
176 enactment of house bill no. 1150 of the ninety-first general assembly, second
177 regular session. A governing body of a city not within a county or a county that
178 has opted out under the provisions of this subsection may choose to implement
179 the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,
180 as enacted by house bill no. 1150 of the ninety-first general assembly, second
181 regular session, and section 137.073 as modified by this act, for the next year of
182 general reassessment, by an affirmative vote of the governing body prior to
183 December thirty-first of any year.

184 **16. The governing body of any city of the third classification**
185 **with more than twenty-six thousand three hundred but fewer than**
186 **twenty-six thousand seven hundred inhabitants located in any county**
187 **that has exercised its authority to opt out under subsection 15 of this**
188 **section may levy separate and differing tax rates for real and personal**
189 **property only if such city bills and collects its own property taxes or**
190 **satisfies the entire cost of the billing and collection of such separate**
191 **and differing tax rates. Such separate and differing rates shall not**
192 **exceed such city's tax rate ceiling.**

139.055. Any county or public water supply district may accept
2 payment by credit card or electronic transfers of funds for any tax, fee, or license

3 payable to the county **or district**. A county collector **or district** shall not be
4 required to accept payment by credit card if the credit card bank, processor, or
5 issuer would charge the county **or district** a fee for such payment. However, a
6 county **or district** may accept payment by credit card and charge the person
7 making such payment by credit card a fee equal to the fee charged the county **or**
8 **district** by the credit card bank, processor, issuer for such payment. A county
9 **or district** may accept payment by electronic transfer of funds in payment of any
10 tax, **fee**, or license and charge the person making such payment a fee equal to the
11 fee charged the county **or district** by the bank, processor, or issuer of such
12 electronic payment.

141.150. Fees shall be allowed for services rendered under the provisions
2 of sections 141.010 to 141.160 as follows:

3 (1) To the collector [two percent on all sums collected; such percent] **the**
4 **fee authorized by section 52.290, RSMo**, to be taxed as costs and collected
5 from the party redeeming, or from the proceeds of sale, as herein provided;

6 (2) To the collector for making the back tax book, twenty-five cents per
7 tract, to be taxed as costs and collected from the party redeeming such tract;

8 (3) To the collector, attorney's fees in the sum of five percent of the
9 amount of taxes actually collected and paid into the treasury after judgment is
10 obtained or if such taxes are paid before judgment, but after suit is instituted,
11 two percent on all sums collected and paid into the treasury; and an additional
12 sum in the amount of two dollars for each suit instituted pursuant to the
13 provisions of sections 141.010 to 141.160, where publication is not necessary, and
14 in the amount of five dollars for each suit where publication is necessary, which
15 sums shall be taxed and collected as other costs;

16 (4) To the circuit clerk, associate circuit judge, sheriff and printer, such
17 fees as are allowed by law for like services in civil cases, which shall be taxed as
18 costs in the case; provided, that in no case shall the state or county be liable for
19 any such costs, nor shall the county commission or state auditor or commissioner
20 of administration allow any claim for any costs incurred by the provisions of this
21 law; provided further, that all fees collected shall be accounted for and all fees
22 collected, except those allowed the printer, shall be paid to the county treasurer
23 at such times and in the manner as otherwise provided by law.

141.640. Upon the filing of any delinquent tax bill or bills or any list
2 thereof with the collector, as provided in sections 141.210 to 141.810, there shall
3 be imposed and charged on each such tax bill [a collector's commission of two
4 percent of the principal amount of such delinquent tax bill] **the fee authorized**
5 **under section 52.290, RSMo**, as an additional penalty and part of the lien
6 thereof to be paid to the collector on all such tax bills collected by him, which

7 [two percent penalty] fee shall be collected from the party redeeming the parcel
8 of real estate upon which the tax bill is a lien, and shall be accounted for by the
9 collector as other similar penalties are collected by him on delinquent land taxes
10 upon which suit has not been filed, or, if filed, was not filed under the provisions
11 of sections 141.210 to 141.810.

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and
12 sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of
13 the tax levied, assessed or payable pursuant to the local sales tax law as defined
14 in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525
15 and 144.600 to 144.745:

16 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
17 all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or
18 upon the sale at retail of fuel to be consumed in manufacturing or creating gas,
19 power, steam, electrical current or in furnishing water to be sold ultimately at
20 retail; or feed for livestock or poultry; or grain to be converted into foodstuffs
21 which are to be sold ultimately in processed form at retail; or seed, limestone or
22 fertilizer which is to be used for seeding, liming or fertilizing crops which when
23 harvested will be sold at retail or will be fed to livestock or poultry to be sold
24 ultimately in processed form at retail; economic poisons registered pursuant to
25 the provisions of the Missouri pesticide registration law (sections 281.220 to
26 281.310, RSMo) which are to be used in connection with the growth or production
27 of crops, fruit trees or orchards applied before, during, or after planting, the crop
28 of which when harvested will be sold at retail or will be converted into foodstuffs
29 which are to be sold ultimately in processed form at retail;

30 (2) Materials, manufactured goods, machinery and parts which when used
31 in manufacturing, processing, compounding, mining, producing or fabricating
32 become a component part or ingredient of the new personal property resulting
33 from such manufacturing, processing, compounding, mining, producing or
34 fabricating and which new personal property is intended to be sold ultimately for

35 final use or consumption; and materials, including without limitation, gases and
36 manufactured goods, including without limitation, slagging materials and
37 firebrick, which are ultimately consumed in the manufacturing process by
38 blending, reacting or interacting with or by becoming, in whole or in part,
39 component parts or ingredients of steel products intended to be sold ultimately
40 for final use or consumption;

41 (3) Materials, replacement parts and equipment purchased for use directly
42 upon, and for the repair and maintenance or manufacture of, motor vehicles,
43 watercraft, railroad rolling stock or aircraft engaged as common carriers of
44 persons or property;

45 (4) Replacement machinery, equipment, and parts and the materials and
46 supplies solely required for the installation or construction of such replacement
47 machinery, equipment, and parts, used directly in manufacturing, mining,
48 fabricating or producing a product which is intended to be sold ultimately for
49 final use or consumption; and machinery and equipment, and the materials and
50 supplies required solely for the operation, installation or construction of such
51 machinery and equipment, purchased and used to establish new, or to replace or
52 expand existing, material recovery processing plants in this state. For the
53 purposes of this subdivision, a "material recovery processing plant" means a
54 facility that has as its primary purpose the recovery of materials into a useable
55 product or a different form which is used in producing a new product and shall
56 include a facility or equipment which are used exclusively for the collection of
57 recovered materials for delivery to a material recovery processing plant but shall
58 not include motor vehicles used on highways. For purposes of this section, the
59 terms "motor vehicle" and "highway" shall have the same meaning pursuant to
60 section 301.010, RSMo. Material recovery is not the reuse of materials within a
61 manufacturing process or the use of a product previously recovered. The material
62 recovery processing plant shall qualify under the provisions of this section
63 regardless of ownership of the material being recovered;

64 (5) Machinery and equipment, and parts and the materials and supplies
65 solely required for the installation or construction of such machinery and
66 equipment, purchased and used to establish new or to expand existing
67 manufacturing, mining or fabricating plants in the state if such machinery and
68 equipment is used directly in manufacturing, mining or fabricating a product
69 which is intended to be sold ultimately for final use or consumption;

70 (6) Tangible personal property which is used exclusively in the
71 manufacturing, processing, modification or assembling of products sold to the
72 United States government or to any agency of the United States government;

73 (7) Animals or poultry used for breeding or feeding purposes;

74 (8) Newsprint, ink, computers, photosensitive paper and film, toner,
75 printing plates and other machinery, equipment, replacement parts and supplies
76 used in producing newspapers published for dissemination of news to the general
77 public;

78 (9) The rentals of films, records or any type of sound or picture
79 transcriptions for public commercial display;

80 (10) Pumping machinery and equipment used to propel products delivered
81 by pipelines engaged as common carriers;

82 (11) Railroad rolling stock for use in transporting persons or property in
83 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
84 thousand pounds or more or trailers used by common carriers, as defined in
85 section 390.020, RSMo, [solely] in the transportation of persons or property [in
86 interstate commerce];

87 (12) Electrical energy used in the actual primary manufacture, processing,
88 compounding, mining or producing of a product, or electrical energy used in the
89 actual secondary processing or fabricating of the product, or a material recovery
90 processing plant as defined in subdivision (4) of this subsection, in facilities
91 owned or leased by the taxpayer, if the total cost of electrical energy so used
92 exceeds ten percent of the total cost of production, either primary or secondary,
93 exclusive of the cost of electrical energy so used or if the raw materials used in
94 such processing contain at least twenty-five percent recovered materials as
95 defined in section 260.200, RSMo. For purposes of this subdivision, "processing"
96 means any mode of treatment, act or series of acts performed upon materials to
97 transform and reduce them to a different state or thing, including treatment
98 necessary to maintain or preserve such processing by the producer at the
99 production facility;

100 (13) Anodes which are used or consumed in manufacturing, processing,
101 compounding, mining, producing or fabricating and which have a useful life of
102 less than one year;

103 (14) Machinery, equipment, appliances and devices purchased or leased
104 and used solely for the purpose of preventing, abating or monitoring air pollution,
105 and materials and supplies solely required for the installation, construction or
106 reconstruction of such machinery, equipment, appliances and devices, and so
107 certified as such by the director of the department of natural resources, except
108 that any action by the director pursuant to this subdivision may be appealed to
109 the air conservation commission which may uphold or reverse such action;

110 (15) Machinery, equipment, appliances and devices purchased or leased
111 and used solely for the purpose of preventing, abating or monitoring water
112 pollution, and materials and supplies solely required for the installation,

113 construction or reconstruction of such machinery, equipment, appliances and
114 devices, and so certified as such by the director of the department of natural
115 resources, except that any action by the director pursuant to this subdivision may
116 be appealed to the Missouri clean water commission which may uphold or reverse
117 such action;

118 (16) Tangible personal property purchased by a rural water district;

119 (17) All amounts paid or charged for admission or participation or other
120 fees paid by or other charges to individuals in or for any place of amusement,
121 entertainment or recreation, games or athletic events, including museums, fairs,
122 zoos and planetariums, owned or operated by a municipality or other political
123 subdivision where all the proceeds derived therefrom benefit the municipality or
124 other political subdivision and do not inure to any private person, firm, or
125 corporation;

126 (18) All sales of insulin and prosthetic or orthopedic devices as defined on
127 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
128 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
129 of that act, and also specifically including hearing aids and hearing aid supplies
130 and all sales of drugs which may be legally dispensed by a licensed pharmacist
131 only upon a lawful prescription of a practitioner licensed to administer those
132 items, including samples and materials used to manufacture samples which may
133 be dispensed by a practitioner authorized to dispense such samples and all sales
134 of medical oxygen, home respiratory equipment and accessories, hospital beds and
135 accessories and ambulatory aids, all sales of manual and powered wheelchairs,
136 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by
137 or on behalf of a person with one or more physical or mental disabilities to enable
138 them to function more independently, all sales of scooters, reading machines,
139 electronic print enlargers and magnifiers, electronic alternative and augmentative
140 communication devices, and items used solely to modify motor vehicles to permit
141 the use of such motor vehicles by individuals with disabilities or sales of
142 over-the-counter or nonprescription drugs to individuals with disabilities;

143 (19) All sales made by or to religious and charitable organizations and
144 institutions in their religious, charitable or educational functions and activities
145 and all sales made by or to all elementary and secondary schools operated at
146 public expense in their educational functions and activities;

147 (20) All sales of aircraft to common carriers for storage or for use in
148 interstate commerce and all sales made by or to not-for-profit civic, social, service
149 or fraternal organizations, including fraternal organizations which have been
150 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
151 1986 Internal Revenue Code, as amended, in their civic or charitable functions

152 and activities and all sales made to eleemosynary and penal institutions and
153 industries of the state, and all sales made to any private not-for-profit institution
154 of higher education not otherwise excluded pursuant to subdivision (19) of this
155 subsection or any institution of higher education supported by public funds, and
156 all sales made to a state relief agency in the exercise of relief functions and
157 activities;

158 (21) All ticket sales made by benevolent, scientific and educational
159 associations which are formed to foster, encourage, and promote progress and
160 improvement in the science of agriculture and in the raising and breeding of
161 animals, and by nonprofit summer theater organizations if such organizations are
162 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
163 and all admission charges and entry fees to the Missouri state fair or any fair
164 conducted by a county agricultural and mechanical society organized and
165 operated pursuant to sections 262.290 to 262.530, RSMo;

166 (22) All sales made to any private not-for-profit elementary or secondary
167 school, all sales of feed additives, medications or vaccines administered to
168 livestock or poultry in the production of food or fiber, all sales of pesticides used
169 in the production of crops, livestock or poultry for food or fiber, all sales of
170 bedding used in the production of livestock or poultry for food or fiber, all sales
171 of propane or natural gas, electricity or diesel fuel used exclusively for drying
172 agricultural crops, natural gas used in the primary manufacture or processing of
173 fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and
174 electricity used by an eligible new generation cooperative or an eligible new
175 generation processing entity as defined in section 348.432, RSMo, and all sales
176 of farm machinery and equipment, other than airplanes, motor vehicles and
177 trailers. As used in this subdivision, the term "feed additives" means tangible
178 personal property which, when mixed with feed for livestock or poultry, is to be
179 used in the feeding of livestock or poultry. As used in this subdivision, the term
180 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and
181 other assorted pesticide carriers used to improve or enhance the effect of a
182 pesticide and the foam used to mark the application of pesticides and herbicides
183 for the production of crops, livestock or poultry. As used in this subdivision, the
184 term "farm machinery and equipment" means new or used farm tractors and such
185 other new or used farm machinery and equipment and repair or replacement
186 parts thereon, and supplies and lubricants used exclusively, solely, and directly
187 for producing crops, raising and feeding livestock, fish, poultry, pheasants,
188 chukar, quail, or for producing milk for ultimate sale at retail, including field
189 drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which
190 is:

- 191 (a) Used exclusively for agricultural purposes;
- 192 (b) Used on land owned or leased for the purpose of producing farm
193 products; and
- 194 (c) Used directly in producing farm products to be sold ultimately in
195 processed form or otherwise at retail or in producing farm products to be fed to
196 livestock or poultry to be sold ultimately in processed form at retail;
- 197 (23) Except as otherwise provided in section 144.032, all sales of metered
198 water service, electricity, electrical current, natural, artificial or propane gas,
199 wood, coal or home heating oil for domestic use and in any city not within a
200 county, all sales of metered or unmetered water service for domestic use;
- 201 (a) "Domestic use" means that portion of metered water service,
202 electricity, electrical current, natural, artificial or propane gas, wood, coal or
203 home heating oil, and in any city not within a county, metered or unmetered
204 water service, which an individual occupant of a residential premises uses for
205 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
206 a single or master meter for residential apartments or condominiums, including
207 service for common areas and facilities and vacant units, shall be deemed to be
208 for domestic use. Each seller shall establish and maintain a system whereby
209 individual purchases are determined as exempt or nonexempt;
- 210 (b) Regulated utility sellers shall determine whether individual purchases
211 are exempt or nonexempt based upon the seller's utility service rate
212 classifications as contained in tariffs on file with and approved by the Missouri
213 public service commission. Sales and purchases made pursuant to the rate
214 classification "residential" and sales to and purchases made by or on behalf of the
215 occupants of residential apartments or condominiums through a single or master
216 meter, including service for common areas and facilities and vacant units, shall
217 be considered as sales made for domestic use and such sales shall be exempt from
218 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
219 classified as nondomestic use. The seller's utility service rate classification and
220 the provision of service thereunder shall be conclusive as to whether or not the
221 utility must charge sales tax;
- 222 (c) Each person making domestic use purchases of services or property
223 and who uses any portion of the services or property so purchased for a
224 nondomestic use shall, by the fifteenth day of the fourth month following the year
225 of purchase, and without assessment, notice or demand, file a return and pay
226 sales tax on that portion of nondomestic purchases. Each person making
227 nondomestic purchases of services or property and who uses any portion of the
228 services or property so purchased for domestic use, and each person making
229 domestic purchases on behalf of occupants of residential apartments or

230 condominiums through a single or master meter, including service for common
231 areas and facilities and vacant units, under a nonresidential utility service rate
232 classification may, between the first day of the first month and the fifteenth day
233 of the fourth month following the year of purchase, apply for credit or refund to
234 the director of revenue and the director shall give credit or make refund for taxes
235 paid on the domestic use portion of the purchase. The person making such
236 purchases on behalf of occupants of residential apartments or condominiums shall
237 have standing to apply to the director of revenue for such credit or refund;

238 (24) All sales of handicraft items made by the seller or the seller's spouse
239 if the seller or the seller's spouse is at least sixty-five years of age, and if the total
240 gross proceeds from such sales do not constitute a majority of the annual gross
241 income of the seller;

242 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,
243 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
244 States Code. The director of revenue shall promulgate rules pursuant to chapter
245 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

246 (26) Sales of fuel consumed or used in the operation of ships, barges, or
247 waterborne vessels which are used primarily in or for the transportation of
248 property or cargo, or the conveyance of persons for hire, on navigable rivers
249 bordering on or located in part in this state, if such fuel is delivered by the seller
250 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such
251 river;

252 (27) All sales made to an interstate compact agency created pursuant to
253 sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the
254 exercise of the functions and activities of such agency as provided pursuant to the
255 compact;

256 (28) Computers, computer software and computer security systems
257 purchased for use by architectural or engineering firms headquartered in this
258 state. For the purposes of this subdivision, "headquartered in this state" means
259 the office for the administrative management of at least four integrated facilities
260 operated by the taxpayer is located in the state of Missouri;

261 (29) All livestock sales when either the seller is engaged in the growing,
262 producing or feeding of such livestock, or the seller is engaged in the business of
263 buying and selling, bartering or leasing of such livestock;

264 (30) All sales of barges which are to be used primarily in the
265 transportation of property or cargo on interstate waterways;

266 (31) Electrical energy or gas, whether natural, artificial or propane, water,
267 or other utilities which are ultimately consumed in connection with the
268 manufacturing of cellular glass products or in any material recovery processing

269 plant as defined in subdivision (4) of subsection 2 of this section;

270 (32) Notwithstanding other provisions of law to the contrary, all sales of
271 pesticides or herbicides used in the production of crops, aquaculture, livestock or
272 poultry;

273 (33) Tangible personal property purchased for use or consumption directly
274 or exclusively in the research and development of prescription pharmaceuticals
275 consumed by humans or animals;

276 (34) All sales of grain bins for storage of grain for resale;

277 (35) All sales of feed which are developed for and used in the feeding of
278 pets owned by a commercial breeder when such sales are made to a commercial
279 breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections
280 273.325 to 273.357, RSMo;

281 (36) All purchases by a contractor on behalf of an entity located in another
282 state, provided that the entity is authorized to issue a certificate of exemption for
283 purchases to a contractor under the provisions of that state's laws. For purposes
284 of this subdivision, the term "certificate of exemption" shall mean any document
285 evidencing that the entity is exempt from sales and use taxes on purchases
286 pursuant to the laws of the state in which the entity is located. Any contractor
287 making purchases on behalf of such entity shall maintain a copy of the entity's
288 exemption certificate as evidence of the exemption. If the exemption certificate
289 issued by the exempt entity to the contractor is later determined by the director
290 of revenue to be invalid for any reason and the contractor has accepted the
291 certificate in good faith, neither the contractor or the exempt entity shall be liable
292 for the payment of any taxes, interest and penalty due as the result of use of the
293 invalid exemption certificate. Materials shall be exempt from all state and local
294 sales and use taxes when purchased by a contractor for the purpose of fabricating
295 tangible personal property which is used in fulfilling a contract for the purpose
296 of constructing, repairing or remodeling facilities for the following:

297 (a) An exempt entity located in this state, if the entity is one of those
298 entities able to issue project exemption certificates in accordance with the
299 provisions of section 144.062; or

300 (b) An exempt entity located outside the state if the exempt entity is
301 authorized to issue an exemption certificate to contractors in accordance with the
302 provisions of that state's law and the applicable provisions of this section;

303 (37) Tangible personal property purchased for use or consumption directly
304 or exclusively in research or experimentation activities performed by life science
305 companies and so certified as such by the director of the department of economic
306 development or the director's designees; except that, the total amount of
307 exemptions certified pursuant to this section shall not exceed one million three

308 hundred thousand dollars in state and local taxes per fiscal year. For purposes
309 of this subdivision, the term "life science companies" means companies whose
310 primary research activities are in agriculture, pharmaceuticals, biomedical or food
311 ingredients, and whose North American Industry Classification System (NAICS)
312 Codes fall under industry 541710 (biotech research or development laboratories),
313 621511 (medical laboratories) or 541940 (veterinary services). The exemption
314 provided by this subdivision shall expire on June 30, 2003;

315 (38) All sales or other transfers of tangible personal property to a lessor
316 who leases the property under a lease of one year or longer executed or in effect
317 at the time of the sale or other transfer to an interstate compact agency created
318 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100,
319 RSMo; [and]

320 (39) Sales of tickets to any collegiate athletic championship event that is
321 held in a facility owned or operated by a governmental authority or commission,
322 a quasi-governmental agency, a state university or college or by the state or any
323 political subdivision thereof, including a municipality, and that is played on a
324 neutral site and may reasonably be played at a site located outside the state of
325 Missouri. For purposes of this subdivision, "neutral site" means any site that is
326 not located on the campus of a conference member institution participating in the
327 event;

328 **(40) All purchases by a sports complex authority created under**
329 **section 64.920, RSMo.**

144.062. 1. With respect to exempt sales at retail of tangible personal
2 property and materials for the purpose of constructing, repairing or remodeling
3 facilities for:

4 (1) A county, other political subdivision or instrumentality thereof exempt
5 from taxation under subdivision (10) of section 39 of article III of the Constitution
6 of Missouri; or

7 (2) An organization sales to which are exempt from taxation under the
8 provisions of subdivision (19) of subsection 2 of section 144.030; or

9 (3) Any institution of higher education supported by public funds or any
10 private not-for-profit institution of higher education, exempt from taxation under
11 subdivision (20) of subsection 2 of section 144.030; or

12 (4) Any private not-for-profit elementary or secondary school exempt from
13 taxation under subdivision (22) of subsection 2 of section 144.030[.]; or

14 **(5) Any authority exempt from taxation under subdivision (40)**
15 **of subsection 2 of section 144.030; or**

16 **(6) After June 30, 2007, the department of transportation or the**
17 **state highways and transportation commission;**

18 hereinafter collectively referred to as exempt entities, such exemptions shall be
19 allowed for such purchases if the purchases are related to the entities' exempt
20 functions and activities. In addition, the sales shall not be rendered nonexempt
21 nor shall any material supplier or contractor be obligated to pay, collect or remit
22 sales tax with respect to such purchases made by or on behalf of an exempt entity
23 due to such purchases being billed to or paid for by a contractor or the exempt
24 entity contracting with any entity to render any services in relation to such
25 purchases, including but not limited to selection of materials, ordering, pickup,
26 delivery, approval on delivery, taking of delivery, transportation, storage,
27 assumption of risk of loss to materials or providing warranties on materials as
28 specified by contract, use of materials or other purchases for construction of the
29 building or other facility, providing labor, management services, administrative
30 services, design or technical services or advice to the exempt entity, whether or
31 not the contractor or other entity exercises dominion or control in any other
32 manner over the materials in conjunction with services or labor provided to the
33 exempt entity.

34 2. When any exempt entity contracts for the purpose of constructing,
35 repairing or remodeling facilities, and purchases of tangible personal property
36 and materials to be incorporated into or consumed in the construction of the
37 project are to be made on a tax-exempt basis, such entity shall furnish to the
38 contractor an exemption certificate authorizing such purchases for the
39 construction, repair or remodeling project. The form and content of such project
40 exemption certificate shall be approved by the director of revenue. The project
41 exemption certificate shall include but not be limited to:

- 42 (1) The exempt entity's name, address, Missouri tax identification number
43 and signature of authorized representative;
- 44 (2) The project location, description, and unique identification number;
- 45 (3) The date the contract is entered into, which is the earliest date
46 materials may be purchased for the project on a tax-exempt basis;
- 47 (4) The estimated project completion date; and
- 48 (5) The certificate expiration date.

49 Such certificate is renewable for a given project at the option of the exempt
50 entity, only for the purpose of revising the certificate expiration date as necessary
51 to complete the project.

52 3. The contractor shall furnish the certificate prescribed in subsection 2
53 of this section to all subcontractors, and any contractor purchasing materials
54 shall present such certificate to all material suppliers as authorization to
55 purchase, on behalf of the exempt entity, all tangible personal property and
56 materials to be incorporated into or consumed in the construction of that project

57 and no other on a tax-exempt basis. Such suppliers shall execute to the
58 purchasing contractor invoices bearing the name of the exempt entity and the
59 project identification number. Nothing in this section shall be deemed to exempt
60 the purchase of any construction machinery, equipment or tools used in
61 constructing, repairing or remodeling facilities for the exempt entity. All invoices
62 for all personal property and materials purchased under a project exemption
63 certificate shall be retained by the purchasing contractor for a period of five years
64 and shall be subject to audit by the director of revenue.

65 4. Any excess resalable tangible personal property or materials which
66 were purchased for the project by a contractor under a project exemption
67 certificate but which were not incorporated into or consumed in the construction
68 of the project shall either be returned to the supplier for credit or the appropriate
69 sales or use tax on such excess property or materials shall be reported on a
70 return and paid by such contractor not later than the due date of the contractor's
71 Missouri sales or use tax return following the month in which it was determined
72 that the materials were not to be used in the project.

73 5. No contractor or material supplier shall, upon audit, be required to pay
74 tax on tangible personal property and materials incorporated into or consumed
75 in the construction of the project, due to the failure of the exempt entity to revise
76 the certificate expiration date as necessary to complete any work required by the
77 contract. If it is determined that tax is owed on such property and materials due
78 to the failure of the exempt entity to revise such certificate expiration date, the
79 exempt entity shall be liable for the tax owed.

80 6. If an entity issues exemption certificates for the purchase of tangible
81 personal property and materials which are incorporated into or consumed in the
82 construction of its project and such entity is found not to have had the authority
83 granted by this section to issue such exemption certificates, then such entity shall
84 be liable for the tax owed on such personal property and materials. In addition,
85 if an entity which does have the authority granted by this section to issue
86 exemption certificates issues such certificates for the purchase of tangible
87 personal property and materials which are incorporated into or consumed in the
88 construction of a project, or part of a project, which is found not to be related to
89 such entity's exempt functions and activities, then such entity shall be liable for
90 the tax owed on such personal property and materials.

144.757. 1. Any county or municipality, except municipalities within a
2 county having a charter form of government with a population in excess of nine
3 hundred thousand, may, by a majority vote of its governing body, impose a local
4 use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a
5 rate equal to the rate of the local sales tax in effect in such county or

6 municipality; provided, however, that no ordinance or order enacted pursuant to
 7 sections 144.757 to 144.761 shall be effective unless the governing body of the
 8 county or municipality submits to the voters thereof at a municipal, county or
 9 state general, primary or special election a proposal to authorize the governing
 10 body of the county or municipality to impose a local use tax pursuant to sections
 11 144.757 to 144.761. Municipalities within a county having a charter form of
 12 government with a population in excess of nine hundred thousand may, upon
 13 voter approval received pursuant to paragraph (b) of subdivision (2) of subsection
 14 2 of this section, impose a local use tax at the same rate as the local municipal
 15 sales tax with the revenues from all such municipal use taxes to be distributed
 16 pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within
 17 thirty days of the approval of the use tax imposed pursuant to paragraph (b) of
 18 subdivision (2) of subsection 2 of this section select one of the distribution options
 19 permitted in subsection 4 of section 94.890, RSMo, for distribution of all
 20 municipal use taxes.

21 2. (1) The ballot of submission, except for counties and municipalities
 22 described in subdivisions (2) and (3) of this subsection, shall contain substantially
 23 the following language:

24 Shall the (county or municipality's name) impose a local use tax
 25 at the same rate as the total local sales tax rate, currently (insert percent),
 26 provided that if the local sales tax rate is reduced or raised by voter approval, the
 27 local use tax rate shall also be reduced or raised by the same action? A use tax
 28 return shall not be required to be filed by persons whose purchases from
 29 out-of-state vendors do not in total exceed two thousand dollars in any calendar
 30 year.

31 YES NO

32 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
 33 are opposed to the question, place an "X" in the box opposite "No".

34 (2) (a) The ballot of submission in a county having a charter form of
 35 government with a population in excess of nine hundred thousand shall contain
 36 substantially the following language:

37 For the purposes of [economic development] **enhancing county and**
 38 **municipal public safety, parks, and job creation** and enhancing local
 39 government services, shall the county be authorized to collect a local use tax
 40 equal to the total of the existing county sales tax rate of (insert tax rate),
 41 provided that if the county sales tax is repealed, reduced or raised by voter
 42 approval, the local use tax rate shall also be repealed, reduced or raised by the
 43 same voter action? Fifty percent of the revenue shall be used [for economic
 44 development, including retention, creation, and attraction of better-paying jobs],

45 **by the county throughout the county for improving and enhancing**
 46 **public safety, park improvements, and job creation**, and fifty percent shall
 47 be used for enhancing local government services. The county shall be required
 48 to make available to the public an audited comprehensive financial report
 49 detailing the management and use of [economic development] **the countywide**
 50 **portion of the** funds each year.

51 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers
 52 by in-state buyers and on certain taxable business transactions. A use tax return
 53 shall not be required to be filed by persons whose purchases from out-of-state
 54 vendors do not in total exceed two thousand dollars in any calendar year.

55 YES NO

56 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
 57 are opposed to the question, place an "X" in the box opposite "No".

58 (b) The ballot of submission in a municipality within a county having a
 59 charter form of government with a population in excess of nine hundred thousand
 60 shall contain substantially the following language:

61 Shall the municipality be authorized to impose a local use tax at the same
 62 rate as the local sales tax by a vote of the governing body, provided that if any
 63 local sales tax is repealed, reduced or raised by voter approval, the respective
 64 local use tax shall also be repealed, reduced or raised by the same action? A use
 65 tax return shall not be required to be filed by persons whose purchases from
 66 out-of-state vendors do not in total exceed two thousand dollars in any calendar
 67 year.

68 YES NO

69 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
 70 are opposed to the question, place an "X" in the box opposite "No".

71 (3) The ballot of submission in any city not within a county shall contain
 72 substantially the following language:

73 Shall the (city name) impose a local use tax at the same rate as
 74 the local sales tax, currently at a rate of (insert percent) which includes the
 75 capital improvements sales tax and the transportation tax, provided that if any
 76 local sales tax is repealed, reduced or raised by voter approval, the respective
 77 local use tax shall also be repealed, reduced or raised by the same action? A use
 78 tax return shall not be required to be filed by persons whose purchases from
 79 out-of-state vendors do not in total exceed two thousand dollars in any calendar
 80 year.

81 YES NO

82 If you are in favor of the question, place an "X" in the box opposite "Yes". If you

83 are opposed to the question, place an "X" in the box opposite "No".

84 (4) If any of such ballots are submitted on August 6, 1996, and if a
85 majority of the votes cast on the proposal by the qualified voters voting thereon
86 are in favor of the proposal, then the ordinance or order and any amendments
87 thereto shall be in effect October 1, 1996, provided the director of revenue
88 receives notice of adoption of the local use tax on or before August 16, 1996. If
89 any of such ballots are submitted after December 31, 1996, and if a majority of
90 the votes cast on the proposal by the qualified voters voting thereon are in favor
91 of the proposal, then the ordinance or order and any amendments thereto shall
92 be in effect on the first day of the calendar quarter which begins at least
93 forty-five days after the director of revenue receives notice of adoption of the local
94 use tax. If a majority of the votes cast by the qualified voters voting are opposed
95 to the proposal, then the governing body of the county or municipality shall have
96 no power to impose the local use tax as herein authorized unless and until the
97 governing body of the county or municipality shall again have submitted another
98 proposal to authorize the governing body of the county or municipality to impose
99 the local use tax and such proposal is approved by a majority of the qualified
100 voters voting thereon.

101 3. The local use tax may be imposed at the same rate as the local sales
102 tax then currently in effect in the county or municipality upon all transactions
103 which are subject to the taxes imposed pursuant to sections 144.600 to 144.745
104 within the county or municipality adopting such tax; provided, however, that if
105 any local sales tax is repealed or the rate thereof is reduced or raised by voter
106 approval, the local use tax rate shall also be deemed to be repealed, reduced or
107 raised by the same action repealing, reducing or raising the local sales tax.

108 4. For purposes of sections 144.757 to 144.761, the use tax may be
109 referred to or described as the equivalent of a sales tax on purchases made from
110 out-of-state sellers by in-state buyers and on certain intrabusiness
111 transactions. Such a description shall not change the classification, form or
112 subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue
2 pursuant to sections 144.757 to 144.761 on behalf of any county or municipality,
3 less one percent for cost of collection, which shall be deposited in the state's
4 general revenue fund after payment of premiums for surety bonds as provided in
5 section 32.087, RSMo, shall be deposited with the state treasurer in a local use
6 tax trust fund, which fund shall be separate and apart from the local sales tax
7 trust funds. The moneys in such local use tax trust fund shall not be deemed to
8 be state funds and shall not be commingled with any funds of the state. The
9 director of revenue shall keep accurate records of the amount of money in the

10 trust fund which was collected in each county or municipality imposing a local
11 use tax, and the records shall be open to the inspection of officers of the county
12 or municipality and to the public. No later than the tenth day of each month, the
13 director of revenue shall distribute all moneys deposited in the trust fund during
14 the preceding month, except as provided in subsection 2 of this section, to the
15 county or municipality treasurer, or such other officer as may be designated by
16 the county or municipality ordinance or order, of each county or municipality
17 imposing the tax authorized by sections 144.757 to 144.761, the sum due the
18 county or municipality as certified by the director of revenue.

19 2. The director of revenue shall distribute all moneys which would be due
20 any county having a charter form of government and having a population of nine
21 hundred thousand or more to the county treasurer or such other officer as may
22 be designated by county ordinance, who shall distribute such moneys as follows:
23 the portion of the use tax imposed by the county which equals one-half the rate
24 of sales tax in effect for such county shall be disbursed to the county treasurer for
25 expenditure [for economic development purposes, as defined in this section]
26 **throughout the county for public safety, parks, and job creation**, subject
27 to any qualifications and regulations adopted by ordinance of the county. Such
28 ordinance shall require an audited comprehensive financial report detailing the
29 management and use of [economic development] **such** funds each year. Such
30 ordinance shall also require that the county and the municipal league of the
31 county jointly prepare [an economic development] **a** strategy to guide
32 expenditures of funds and conduct an annual review of the strategy. The
33 treasurer or such other officer as may be designated by county ordinance shall
34 distribute one-third of the balance to the county and to each city, town and village
35 in group B according to section 66.620, RSMo, as modified by this section, a
36 portion of the two-thirds remainder of such balance equal to the percentage ratio
37 that the population of each such city, town or village bears to the total population
38 of all such group B cities, towns and villages. For the purposes of this subsection,
39 population shall be determined by the last federal decennial census or the latest
40 census that determines the total population of the county and all political
41 subdivisions therein. For the purposes of this subsection, each city, town or
42 village in group A according to section 66.620, RSMo, but whose per capita sales
43 tax receipts during the preceding calendar year pursuant to sections 66.600 to
44 66.630, RSMo, were less than the per capita countywide average of all sales tax
45 receipts during the preceding calendar year, shall be treated as a group B city,
46 town or village until the per capita amount distributed to such city, town or
47 village equals the difference between the per capita sales tax receipts during the
48 preceding calendar year and the per capita countywide average of all sales tax

49 receipts during the preceding calendar year.

50 3. The director of revenue may authorize the state treasurer to make
51 refunds from the amounts in the trust fund and credited to any county or
52 municipality for erroneous payments and overpayments made, and may redeem
53 dishonored checks and drafts deposited to the credit of such counties or
54 municipalities. If any county or municipality abolishes the tax, the county or
55 municipality shall notify the director of revenue of the action at least ninety days
56 prior to the effective date of the repeal, and the director of revenue may order
57 retention in the trust fund, for a period of one year, of two percent of the amount
58 collected after receipt of such notice to cover possible refunds or overpayment of
59 the tax and to redeem dishonored checks and drafts deposited to the credit of
60 such accounts. After one year has elapsed after the effective date of abolition of
61 the tax in such county or municipality, the director of revenue shall authorize the
62 state treasurer to remit the balance in the account to the county or municipality
63 and close the account of that county or municipality. The director of revenue
64 shall notify each county or municipality of each instance of any amount refunded
65 or any check redeemed from receipts due the county or municipality.

66 4. Except as modified in sections 144.757 to 144.761, all provisions of
67 sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for
68 subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to
69 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761,
70 and the director of revenue shall perform all functions incident to the
71 administration, collection, enforcement, and operation of the tax.

72 [5. As used in this section, "economic development" means:

73 (1) Expenditures for infrastructure and sites for business development or
74 for public infrastructure projects;

75 (2) Purchase, assembly, clearance, demolition, environmental remediation,
76 planning, redesign, reconstruction, rehabilitation, construction, modification or
77 expansion of land, structures and facilities, public or private, either in connection
78 with a reinvestment project in areas with underused, derelict, economically
79 challenged, or environmentally troubled sites, or in connection with business
80 attraction, retention, creation, or expansion;

81 (3) Expenditures related to business district activities such as facade
82 improvements, landscaping, street lighting, sidewalk construction, trash
83 receptacles, park benches, and other public improvements;

84 (4) Expenditures for the provision of workforce training and educational
85 support in connection with job creation, retention, attraction, and expansion;

86 (5) Development and operation of business incubator facilities, and related
87 entrepreneurship support programs;

- 88 (6) Capitalization or guarantee of small business loan or equity funds;
89 (7) Expenditures for business development activities including attraction,
90 creation, retention, and expansion; and
91 (8) Related administration expenses of economic and community
92 development programs, provided that such expenses shall not exceed five percent
93 of annual revenues.]

162.431. 1. When it is necessary to change the boundary lines between
2 seven-director school districts, in each district affected, ten percent of the voters
3 by number of those voting for school board members in the last annual school
4 election in each district may petition the district boards of education in the
5 districts affected, regardless of county lines, for a change in boundaries. The
6 question shall be submitted at the next [general municipal] election, **as**
7 **referenced in section 115.123, RSMo.**

8 2. The voters shall decide the question by a majority vote of those who
9 vote upon the question. If assent to the change is given by each of the various
10 districts voting, each voting separately, the boundaries are changed from that
11 date.

12 3. If one of the districts votes against the change and the other votes for
13 the change, the matter may be appealed to the state board of education, in
14 writing, within fifteen days of the submission of the question by either one of the
15 districts affected, or in the above event by a majority of the signers of the petition
16 requesting a vote on the proposal. At the first meeting of the state board
17 following the appeal, a board of arbitration composed of three members, none of
18 whom shall be a resident of any district affected, shall be appointed. In
19 determining whether it is necessary to change the boundary line between
20 seven-director districts, the board of arbitration shall base its decision upon the
21 following:

- 22 (1) The presence of school-aged children in the affected area;
23 (2) The presence of actual educational harm to school-aged children, either
24 due to a significant difference in the time involved in transporting students or
25 educational deficiencies in the district which would have its boundary adversely
26 affected; and
27 (3) The presence of an educational necessity, not of a commercial benefit
28 to landowners or to the district benefitting for the proposed boundary adjustment.

29 4. Within twenty days after notification of appointment, the board of
30 arbitration shall meet and consider the necessity for the proposed changes and
31 shall decide whether the boundaries shall be changed as requested in the petition
32 or be left unchanged, which decision shall be final. The decision by the board of
33 arbitration shall be rendered not more than thirty days after the matter is

34 referred to the board. The chairman of the board of arbitration shall transmit the
35 decision to the secretary of each district affected who shall enter the same upon
36 the records of his district and the boundaries shall thereafter be in accordance
37 with the decision of the board of arbitration. The members of the board of
38 arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the
39 appeal is made by the district taking the appeal or by the petitioners should they
40 institute the appeal.

41 5. If the board of arbitration decides that the boundaries shall be left
42 unchanged, no new petition for the same, or substantially the same, boundary
43 change between the same districts shall be filed until after the expiration of two
44 years from the date of the municipal election at which the question was submitted
45 to the voters of the districts.

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for
3 teachers' and incidental funds for a school district as reported to the proper
4 officer of each county pursuant to section 164.011, RSMo;

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011,
15 RSMo, in the school term. For purposes of determining average daily attendance
16 under this subdivision, the term "resident pupil" shall include all children
17 between the ages of five and twenty-one who are residents of the school district
18 and who are attending kindergarten through grade twelve in such district. If a
19 child is attending school in a district other than the district of residence and the
20 child's parent is teaching in the school district or is a regular employee of the
21 school district which the child is attending, then such child shall be considered
22 a resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515, RSMo; the vocational education entitlement for the district, as
36 provided for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) plus any increases in state
39 funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005,
40 not to exceed five percent, per recalculation, of the state revenue received by a
41 district in the 2004-05 school year from the foundation formula, line 14, gifted,
42 remedial reading, exceptional pupil aid, fair share, and free textbook payments
43 for any district from the first preceding calculation of the state adequacy target;

44 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect
45 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling
46 shall not contain any tax levy for debt service;

47 (5) "Dollar value modifier", an index of the relative purchasing power of
48 a dollar, calculated as one plus fifteen percent of the difference of the regional
49 wage ratio minus one, provided that the dollar value modifier shall not be applied
50 at a rate less than 1.0:

51 (a) "County wage per job", the total county wage and salary disbursements
52 divided by the total county wage and salary employment for each county and the
53 city of St. Louis as reported by the Bureau of Economic Analysis of the United
54 States Department of Commerce for the fourth year preceding the payment year;

55 (b) "Regional wage per job":

56 a. The total Missouri wage and salary disbursements of the metropolitan
57 area as defined by the Office of Management and Budget divided by the total
58 Missouri metropolitan wage and salary employment for the metropolitan area for
59 the county signified in the school district number or the city of St. Louis, as
60 reported by the Bureau of Economic Analysis of the United States Department
61 of Commerce for the fourth year preceding the payment year and recalculated
62 upon every decennial census to incorporate counties that are newly added to the
63 description of metropolitan areas; or if no such metropolitan area is established,
64 then:

65 b. The total Missouri wage and salary disbursements of the micropolitan
66 area as defined by the Office of Management and Budget divided by the total

67 Missouri micropolitan wage and salary employment for the micropolitan area for
68 the county signified in the school district number, as reported by the Bureau of
69 Economic Analysis of the United States Department of Commerce for the fourth
70 year preceding the payment year, if a micropolitan area for such county has been
71 established and recalculated upon every decennial census to incorporate counties
72 that are newly added to the description of micropolitan areas; or

73 c. If a county is not part of a metropolitan or micropolitan area as
74 established by the Office of Management and Budget, then the county wage per
75 job, as defined in paragraph (a) of this subdivision, shall be used for the school
76 district, as signified by the school district number;

77 (c) "Regional wage ratio", the ratio of the regional wage per job divided by
78 the state median wage per job;

79 (d) "State median wage per job", the fifty-eighth highest county wage per
80 job;

81 (6) "Free and reduced lunch pupil count", the number of pupils eligible for
82 free and reduced lunch on the last Wednesday in January for the preceding school
83 year who were enrolled as students of the district, as approved by the department
84 in accordance with applicable federal regulations;

85 (7) "Free and reduced lunch threshold" shall be calculated by dividing the
86 total free and reduced lunch pupil count of every performance district that falls
87 entirely above the bottom five percent and entirely below the top five percent of
88 average daily attendance, when such districts are rank-ordered based on their
89 current operating expenditures per average daily attendance, by the total average
90 daily attendance of all included performance districts;

91 (8) "Limited English proficiency pupil count", the number in the preceding
92 school year of pupils aged three through twenty-one enrolled or preparing to
93 enroll in an elementary school or secondary school who were not born in the
94 United States or whose native language is a language other than English or are
95 Native American or Alaskan native, or a native resident of the outlying areas,
96 and come from an environment where a language other than English has had a
97 significant impact on such individuals' level of English language proficiency, or
98 are migratory, whose native language is a language other than English, and who
99 come from an environment where a language other than English is dominant; and
100 have difficulties in speaking, reading, writing, or understanding the English
101 language sufficient to deny such individuals the ability to meet the state's
102 proficient level of achievement on state assessments described in Public Law
103 107-10, the ability to achieve successfully in classrooms where the language of
104 instruction is English, or the opportunity to participate fully in society;

105 (9) "Limited English proficiency threshold" shall be calculated by dividing

106 the total limited English proficiency pupil count of every performance district that
107 falls entirely above the bottom five percent and entirely below the top five percent
108 of average daily attendance, when such districts are rank-ordered based on their
109 current operating expenditures per average daily attendance, by the total average
110 daily attendance of all included performance districts;

111 (10) "Local effort":

112 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
113 the equalized assessed valuation of the property of a school district in calendar
114 year 2004 divided by one hundred and multiplied by the performance levy less the
115 percentage retained by the county assessor and collector plus one hundred
116 percent of the amount received in fiscal year 2005 for school purposes from
117 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
118 state-assessed railroad and utility tax, one hundred percent of the amount
119 received for school purposes pursuant to the merchants' and manufacturers' taxes
120 under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts
121 received for school purposes from federal properties under sections 12.070 and
122 12.080, RSMo, except when such amounts are used in the calculation of federal
123 impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
124 received for school purposes from the school district trust fund under section
125 163.087, and one hundred percent of any local earnings or income taxes received
126 by the district for school purposes. Under this paragraph, for a special district
127 established under sections 162.815 to 162.940, RSMo, in a county with a charter
128 form of government and with more than one million inhabitants, a tax levy of zero
129 shall be utilized in lieu of the performance levy for the special school district;

130 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
131 amount calculated under paragraph (a) of this subdivision plus any increase in
132 the amount received for school purposes from fines [or less any decrease in the
133 amount received for school purposes from fines in any school district located
134 entirely within any county with a charter form of government and with more than
135 two hundred fifty thousand but fewer than three hundred fifty thousand
136 inhabitants that creates a county municipal court after January 1, 2006]. If a
137 district's assessed valuation has decreased subsequent to the calculation outlined
138 in paragraph (a) of this subdivision, the district's local effort shall be calculated
139 using the district's current assessed valuation in lieu of the assessed valuation
140 utilized in calculation outlined in paragraph (a) of this subdivision;

141 (11) "Membership" shall be the average of:

142 (a) The number of resident full-time students and the full-time equivalent
143 number of part-time students who were enrolled in the public schools of the
144 district on the last Wednesday in September of the previous year and who were

145 in attendance one day or more during the preceding ten school days; and

146 (b) The number of resident full-time students and the full-time equivalent
147 number of part-time students who were enrolled in the public schools of the
148 district on the last Wednesday in January of the previous year and who were in
149 attendance one day or more during the preceding ten school days, plus the
150 full-time equivalent number of summer school pupils.

151 "Full-time equivalent number of part-time students" is determined by dividing the
152 total number of hours for which all part-time students are enrolled by the number
153 of hours in the school term. "Full-time equivalent number of summer school
154 pupils" is determined by dividing the total number of hours for which all summer
155 school pupils were enrolled by the number of hours required pursuant to section
156 160.011, RSMo, in the school term. Only students eligible to be counted for
157 average daily attendance shall be counted for membership;

158 (12) "Operating levy for school purposes", the sum of tax rates levied for
159 teachers' and incidental funds plus the operating levy or sales tax equivalent
160 pursuant to section 162.1100, RSMo, of any transitional school district containing
161 the school district, in the payment year, not including any equalized operating
162 levy for school purposes levied by a special school district in which the district is
163 located;

164 (13) "Performance district", any district that has met all performance
165 standards and indicators as established by the department of elementary and
166 secondary education for purposes of accreditation under section 161.092, RSMo,
167 and as reported on the final annual performance report for that district each year;

168 (14) "Performance levy", three dollars and forty-three cents;

169 (15) "School purposes" pertains to teachers' and incidental funds;

170 (16) "Special education pupil count", the number of public school students
171 with a current individualized education program and receiving services from the
172 resident district as of December first of the preceding school year, except for
173 special education services provided through a school district established under
174 sections 162.815 to 162.940, RSMo, in a county with a charter form of government
175 and with more than one million inhabitants, in which case the sum of the
176 students in each district within the county exceeding the special education
177 threshold of each respective district within the county shall be counted within the
178 special district and not in the district of residence for purposes of distributing the
179 state aid derived from the special education pupil count;

180 (17) "Special education threshold" shall be calculated by dividing the total
181 special education pupil count of every performance district that falls entirely
182 above the bottom five percent and entirely below the top five percent of average
183 daily attendance, when such districts are rank-ordered based on their current

184 operating expenditures per average daily attendance, by the total average daily
185 attendance of all included performance districts;

186 (18) "State adequacy target", the sum of the current operating
187 expenditures of every performance district that falls entirely above the bottom
188 five percent and entirely below the top five percent of average daily attendance,
189 when such districts are rank-ordered based on their current operating
190 expenditures per average daily attendance, divided by the total average daily
191 attendance of all included performance districts. The department of elementary
192 and secondary education shall first calculate the state adequacy target for fiscal
193 year 2007 and recalculate the state adequacy target every two years using the
194 most current available data. The recalculation shall never result in a decrease
195 from the previous state adequacy target amount. Should a recalculation result
196 in an increase in the state adequacy target amount, fifty percent of that increase
197 shall be included in the state adequacy target amount in the year of recalculation,
198 and fifty percent of that increase shall be included in the state adequacy target
199 amount in the subsequent year. The state adequacy target may be adjusted to
200 accommodate available appropriations;

201 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,
202 supervisor, principal, supervising principal, superintendent or assistant
203 superintendent, school nurse, social worker, counselor or librarian who shall,
204 regularly, teach or be employed for no higher than grade twelve more than
205 one-half time in the public schools and who is certified under the laws governing
206 the certification of teachers in Missouri;

207 (20) "Weighted average daily attendance", the average daily attendance
208 plus the product of twenty-five hundredths multiplied by the free and reduced
209 lunch pupil count that exceeds the free and reduced lunch threshold, plus the
210 product of seventy-five hundredths multiplied by the number of special education
211 pupil count that exceeds the special education threshold, and plus the product of
212 six-tenths multiplied by the number of limited English proficiency pupil count
213 that exceeds the limited English proficiency threshold. For special districts
214 established under sections 162.815 to 162.940, RSMo, in a county with a charter
215 form of government and with more than one million inhabitants, weighted
216 average daily attendance shall be the average daily attendance plus the product
217 of twenty-five hundredths multiplied by the free and reduced lunch pupil count
218 that exceeds the free and reduced lunch threshold, plus the product of
219 seventy-five hundredths multiplied by the sum of the special education pupil
220 count that exceeds the threshold for each county district, plus the product of
221 six-tenths multiplied by the limited English proficiency pupil count that exceeds
222 the limited English proficiency threshold. None of the districts comprising a

223 special district established under sections 162.815 to 162.940, RSMo, in a county
224 with a charter form of government and with more than one million inhabitants,
225 shall use any special education pupil count in calculating their weighted average
226 daily attendance.

**163.016. Notwithstanding the provisions of section 163.011, for
2 any school district located in more than one county and whose
3 headquarters are located within a city of the fourth classification with
4 more than two thousand five hundred but fewer than two thousand six
5 hundred inhabitants and located in more than one county, the county
6 signified in the school district number shall be the county in the
7 district with the highest dollar value modifier.**

**163.038. Notwithstanding any provision of law to the contrary,
2 any school district that is located at least partially in any county that
3 creates a county municipal court or is otherwise eligible to prosecute
4 county ordinance violations under section 66.010, RSMo, et seq., after
5 January 1, 2006, shall be entitled to a payment amount from the
6 department of elementary and secondary education in addition to all
7 other payments required under this chapter equal to the decrease, if
8 any, in the amount of revenue a district receives from fines in the
9 current year from the revenue the district received from fines in fiscal
10 year 2005.**

182.015. 1. In addition to the provisions of section 182.010, the county
2 commission of any county of the state may establish by its order a county library
3 district without a petition or submission to the voters as provided in section
4 182.010, provided such district conforms otherwise to the provisions of that
5 section and does not include any part of a regional library system established
6 pursuant to other provisions of this chapter. In the event a district is so
7 established, the county commission shall propose an annual rate of taxation
8 within the limitations prescribed by section 182.010, which proposal shall be
9 submitted to a vote of the people in the same manner as though the district were
10 formed under the provisions of that section.

11 2. Where the county library district of any county is not operating a
12 library within such county, the county commission may divide the county library
13 district into subdistricts. In the event the subdistricts are established, the county
14 commission shall propose an annual rate of taxation, which proposal shall be
15 submitted to a vote of the people residing in the subdistrict in the same manner
16 as provided for in section 182.010. If a majority of the votes cast on the question
17 are for the tax as submitted, the tax shall be levied and collected on property
18 within the subdistrict in the same manner as other county library taxes are levied

19 and collected pursuant to section 182.020. Such funds shall be used to [operate
20 a branch library] **provide library services** in the subdistrict of the county
21 library district.

22 3. Where a tax has not been approved by the voters within a five-year
23 period from the establishment of a library district, such library district shall be
24 dissolved.

25 4. (1) **The boundaries of any subdistrict established under this**
26 **section in any county may be expanded as provided in this**
27 **subsection. Whenever not less than ten percent of registered voters**
28 **residing in an area in such county adjacent to an existing subdistrict**
29 **desire to be annexed into the subdistrict, such registered voters shall**
30 **file a petition with the governing body of the county requesting, subject**
31 **to the official approval of the existing county library board, the**
32 **expansion of the subdistrict. The petition shall contain the following**
33 **information:**

34 (a) **The name and residence of each petitioner; and**

35 (b) **A specific description of the proposed subdistrict boundaries,**
36 **including a map illustrating the boundaries.**

37 (2) **Upon the filing of a petition under this subsection, subject to**
38 **the official approval of the existing county library board, the**
39 **governing body of the county may, by resolution, approve the**
40 **expansion of the subdistrict. Any resolution to expand such subdistrict**
41 **adopted by the governing body of the county shall contain the following**
42 **information:**

43 (a) **A description of the proposed boundaries of the subdistrict;**

44 (b) **The time and place of a hearing to be held to consider**
45 **expansion of the subdistrict; and**

46 (c) **The rate of tax to be imposed in the area of expansion and**
47 **voted on within the proposed subdistrict, if any.**

48 **Following the hearing required in this subsection, if the existing**
49 **library board approves the expansion, and if the governing body of the**
50 **county determines that expansion is in the best interest of the current**
51 **subdistrict, then the governing body may, by order or ordinance,**
52 **provide for the expansion of the subdistrict and for any imposition of**
53 **the existing subdistrict tax rate within the area of expansion. The**
54 **order or ordinance shall not become effective unless the governing**
55 **body of the county submits to the voters residing within the proposed**
56 **subdistrict, at a state general, primary, or special election, a proposal**
57 **to authorize the governing body of the county to expand the boundaries**

58 of the subdistrict and, if necessary, to impose the existing subdistrict
59 tax rate within the area of expansion.

60 If a majority of the votes cast on the question by the qualified voters
61 voting thereon and residing in the existing subdistrict and a majority
62 of the votes cast on the question by the qualified voters voting thereon
63 and residing in the area proposed to be annexed into the subdistrict
64 are in favor of the question, then the expansion of the subdistrict and
65 the imposition of the tax within the area of expansion shall become
66 effective on the first day of the second calendar quarter immediately
67 following the vote. If a majority of the votes cast on the question by the
68 qualified voters voting thereon in either the existing subdistrict or in
69 the area proposed to be annexed into the subdistrict are opposed to the
70 question, then the expansion of the subdistrict and the imposition of
71 the tax shall not become effective unless and until the question is
72 resubmitted under this subsection to the qualified voters and such
73 question is approved by the required majorities of the qualified voters
74 voting on the question under this subsection.

75 (3) The governing body of any county that has expanded
76 subdistrict boundaries or imposed a tax increase authorized in this
77 subsection may submit the question of repeal of the expansion of
78 boundaries and the accompanying imposition of the tax in the area of
79 expansion to the voters of the subdistrict on any date available for
80 elections for the county.

81 If a majority of the votes cast on the question by the qualified voters
82 voting thereon are in favor of repeal, that repeal shall become effective
83 on December thirty-first of the calendar year in which such repeal was
84 approved. If a majority of the votes cast on the question by the
85 qualified voters voting thereon are opposed to the repeal, then the
86 expansion of boundaries and the imposition of the tax as authorized in
87 this subsection shall remain effective until the question is resubmitted
88 under this subsection to the qualified voters and the repeal is approved
89 by a majority of the qualified voters voting on the question.

90 (4) Whenever the governing body of any county that has
91 expanded subdistrict boundaries or imposed a tax as authorized in this
92 subsection receives a petition, signed by ten percent of the registered
93 voters of the library subdistrict, calling for an election to repeal the
94 expansion of boundaries and the accompanying imposition of the tax
95 in the area of expansion under this subsection, the governing body
96 shall submit to the voters of the subdistrict a proposal to repeal the

97 **expansion and the accompanying imposition of the tax. If a majority**
98 **of the votes cast on the question by the qualified voters voting thereon**
99 **are in favor of the repeal, the repeal shall become effective on**
100 **December thirty-first of the calendar year in which such repeal was**
101 **approved. If a majority of the votes cast on the question by the**
102 **qualified voters voting thereon are opposed to the repeal, then the**
103 **expansion of boundaries and the imposition of the tax as authorized in**
104 **this subsection shall remain effective until the question is resubmitted**
105 **under this subsection to the qualified voters and the repeal is approved**
106 **by a majority of the qualified voters voting on the question.**

190.052. Any member of the board of directors who moves [his residence]
2 **residency** from the district from which [he] **the member** was elected, shall be
3 disqualified as a member of the board. If one or two vacancies occur in the
4 membership of the board as a result of death, resignation, or disqualification, the
5 remaining members shall appoint one or two qualified persons, as provided in
6 section 190.050, to fill the vacancies until the [next annual election of the
7 members of the board] **end of the unexpired term**. Such appointment shall
8 be made with the consent of a majority of the remaining members of the board. If
9 the board is unable to agree in filling a vacancy within sixty days or if there are
10 more than two vacancies at any one time, the county commission, upon notice
11 from the board of failure to agree in filling the vacancies, shall within ten days
12 fill them by appointment of qualified persons, as provided in section 190.050, and
13 shall notify the persons in writing of their appointment. The persons appointed
14 shall serve for the unexpired term.

190.053. 1. **All members of the board of directors of an**
2 **ambulance district first elected on or after January 1, 2008, shall attend**
3 **and complete an educational seminar or conference or other suitable**
4 **training on the role and duties of a board member of an ambulance**
5 **district. The training required under this section shall be offered by**
6 **a statewide association organized for the benefit of ambulance districts**
7 **or be approved by the state advisory council on emergency medical**
8 **services. Such training shall include, at a minimum:**

9 (1) **Information relating to the roles and duties of an ambulance**
10 **district director;**

11 (2) **A review of all state statutes and regulations relevant to**
12 **ambulance districts;**

13 (3) **State ethics laws;**

14 (4) **State sunshine laws, chapter 610, RSMo;**

15 (5) **Financial and fiduciary responsibility;**

16 **(6) State laws relating to the setting of tax rates; and**

17 **(7) State laws relating to revenue limitations.**

18 **2. If any ambulance district board member fails to attend a**
19 **training session within twelve months after taking office, the board**
20 **member shall not be compensated for attendance at meetings thereafter**
21 **until the board member has completed such training session.**

190.305. 1. In addition to its other powers for the protection of the public
2 health, a governing body may provide for the operation of an emergency telephone
3 service and may pay for it by levying an emergency telephone tax for such service
4 in those portions of the governing body's jurisdiction for which emergency
5 telephone service has been contracted. The governing body may do such other
6 acts as are expedient for the protection and preservation of the public health and
7 are necessary for the operation of the emergency telephone system. The
8 governing body is hereby authorized to levy the tax in an amount not to exceed
9 fifteen percent of the tariff local service rate, as defined in section 190.300, or
10 seventy-five cents per access line per month, whichever is greater, except as
11 provided in sections 190.325 to 190.329, in those portions of the governing body's
12 jurisdiction for which emergency telephone service has been contracted. In any
13 county of the third classification with a population of at least thirty-two thousand
14 but not greater than forty thousand that borders a county of the first
15 classification, a governing body of a third or fourth class city may, with the
16 consent of the county commission, contract for service with a public agency to
17 provide services within the public agency's jurisdiction when such city is located
18 wholly within the jurisdiction of the public agency. Consent shall be
19 demonstrated by the county commission authorizing an election within the public
20 agency's jurisdiction pursuant to section 190.320. Any contract between
21 governing bodies and public agencies in existence on August 28, 1996, that meets
22 such criteria prior to August 28, 1996, shall be recognized if the county
23 commission authorized the election for emergency telephone service and a vote
24 was held as provided in section 190.320. The governing body shall provide for a
25 board pursuant to sections 190.327 and 190.328. **The board of any county of**
26 **the first classification with more than one hundred four thousand six**
27 **hundred but fewer than one hundred four thousand seven hundred**
28 **inhabitants shall provide services to a city located in more than one**
29 **county only after making an agreement or contracting with the city for**
30 **such services, provided that any agreement or contract in effect, as of**
31 **January 1, 2006, shall continue until such time as a successor**
32 **agreement or contract is entered into by the board and city and such**
33 **agreement or contract is to provide services for a period of three or**

34 **more years.**

35 2. The tax shall be utilized to pay for the operation of emergency
36 telephone service and the operational costs associated with the answering and
37 dispatching of emergency calls as deemed appropriate by the governing body, and
38 may be levied at any time subsequent to execution of a contract with the provider
39 of such service at the discretion of the governing body, but collection of such tax
40 shall not begin prior to twenty-seven months before operation of the emergency
41 telephone service and dispatch center.

42 3. Such tax shall be levied only upon the tariff rate. No tax shall be
43 imposed upon more than one hundred exchange access facilities or their
44 equivalent per person per location.

45 4. Every billed service user is liable for the tax until it has been paid to
46 the service supplier.

47 5. The duty to collect the tax from a service user shall commence at such
48 time as specified by the governing body in accordance with the provisions of
49 sections 190.300 to 190.320. The tax required to be collected by the service
50 supplier shall be added to and may be stated separately in the billings to the
51 service user.

52 6. Nothing in this section imposes any obligation upon a service supplier
53 to take any legal action to enforce the collection of the tax imposed by this
54 section. The service supplier shall provide the governing body with a list of
55 amounts uncollected along with the names and addresses of the service users
56 refusing to pay the tax imposed by this section, if any.

57 7. The tax imposed by this section shall be collected insofar as practicable
58 at the same time as, and along with, the charges for the tariff rate in accordance
59 with the regular billing practice of the service supplier. The tariff rates
60 determined by or stated on the billing of the service supplier are presumed to be
61 correct if such charges were made in accordance with the service supplier's
62 business practices. The presumption may be rebutted by evidence which
63 establishes that an incorrect tariff rate was charged.

**204.600. Any common sewer district organized and existing under
2 sections 204.250 to 204.270, and any sewer district organized and
3 existing under chapter 249, RSMo, may be converted to a reorganized
4 common sewer district under the provisions of sections 204.600 to
5 204.640. In addition, a reorganized common sewer district may be
6 established as provided in sections 204.600 to 204.640. Once
7 established, a reorganized common sewer district shall have all powers
8 and authority of and applicable to a common sewer district organized
9 and existing under sections 204.250 to 204.270 and applicable to a sewer**

10 district established under chapter 249, RSMo, which are not
11 inconsistent or in conflict with sections 204.600 to 204.640, provided
12 that no domestic water services shall be provided within the
13 boundaries of an existing public water supply district or within the
14 certificated area of a water corporation as defined in section 386.020,
15 RSMo.

204.602. 1. Proceedings for the new formation of a reorganized
2 common sewer district under sections 204.600 to 204.640 shall be
3 substantially as follows: a petition in duplicate describing the
4 proposed boundaries of the reorganized district sought to be formed,
5 accompanied by a plat of the proposed district, shall first be filed with
6 each county commission having jurisdiction in the geographic area the
7 proposed district is situated. Such petition shall be ruled on by each
8 county commission having jurisdiction within thirty days from the date
9 of hearing the petition. If the petition for the reorganized district is
10 rejected by any county commission having jurisdiction, no further
11 action on the proposed district shall take place before the county
12 commission which rejected the petition or the circuit court of that
13 county in the county which rejected the petition. If approved by each
14 county commission having jurisdiction, a petition in duplicate
15 describing the proposed boundaries of the reorganized district sought
16 to be formed, accompanied by a plat of the proposed district, shall be
17 filed with the clerk of the circuit court of the county wherein the
18 proposed district is situated or with the clerk of the circuit court of the
19 county having the largest acreage proposed to be included in the
20 proposed district, in the event that the proposed district embraces
21 lands in more than one county. Such petition, in addition to such
22 boundary description, shall set forth an estimate of the number of
23 customers of the proposed district, the necessity for the formation of
24 the district, the probable cost of acquiring or constructing sanitary
25 sewer improvements with the district, if appropriate, an approximation
26 of the assessed valuation of taxable property within the district,
27 whether the board of trustees shall be elected or appointed by the
28 county commission, and such other information as may be useful to the
29 court in determining whether or not the petition should be granted and
30 a decree of incorporation entered. Such petition shall be accompanied
31 by a cash deposit of fifty dollars as an advancement of the costs of the
32 proceeding. The petition shall be signed by not less than fifty voters or
33 property owners within the proposed district and shall request the

34 incorporation of the territory therein described into a reorganized
35 common sewer district. The petition shall be verified by at least one of
36 the signers.

37 2. Upon filing, the petition shall be presented to the circuit
38 court, and such court shall fix a date for a hearing on such petition, as
39 provided in this section. The clerk of the court shall give notice of the
40 petition filing in some newspaper of general circulation in the county
41 in which the proceedings are pending. If the district extends into any
42 other county, such notice also shall be published in some newspaper of
43 general circulation in such other county. The notice shall contain a
44 description of the proposed boundary lines of the district and the
45 general purposes of the petition. The notice shall set forth the date
46 fixed for the hearing on the petition, which shall not be less than
47 fifteen nor more than twenty-one days after the date of the last
48 publication of the notice, and shall be on some regular judicial day of
49 the court that the petition is pending. Such notice shall be signed by
50 the clerk of the circuit court and shall be published in three successive
51 issues of a weekly newspaper or in a daily paper once a week for three
52 consecutive weeks.

53 3. The court, for good cause shown, may continue the case or the
54 hearing from time to time until final disposition.

55 4. Exceptions to the formation of a district, or to the boundaries
56 outlined in the petition for incorporation, may be made by any voter or
57 property owner within the proposed districts, provided that such
58 exceptions are filed not less than five days prior to the date set for the
59 hearing on the petition. Such exceptions shall specify the grounds
60 upon which the exceptions are being made. If any such exceptions are
61 filed, the court shall take them into consideration in passing upon the
62 petition and also shall consider the evidence in support of the petition
63 and in support of the exceptions made. Should the court find that the
64 petition should be granted but that changes should be made in the
65 boundary lines, it shall make such changes in the boundary lines as set
66 forth in the petition as the court may deem proper and enter its decree
67 of incorporation, with such boundaries as changed. No public sewer
68 district shall be formed under this chapter, chapter 249, RSMo, section
69 247.035, RSMo, or any sewer district created and organized under
70 constitutional authority, the boundaries of which shall encroach upon
71 the corporate boundaries of any sewer district then existing or upon
72 the certificated boundaries then existing of any sewer corporation

73 providing service under a certificate of convenience and necessity
74 granted by the public service commission. Nor shall any public sewer
75 district extend wastewater collection and treatment services within the
76 boundaries of another district without a written cooperative agreement
77 between such districts or within the certificated boundaries then
78 existing of any sewer corporation providing service under a certificate
79 of convenience and necessity granted by the public service commission
80 without a written cooperative agreement between the public sewer
81 district and the certificated sewer corporation.

82 5. Should the court find that it would not be in the public
83 interest to form such a district, the petition shall be dismissed at the
84 cost of the petitioners. If the court should find in favor of the
85 formation of such district, the court shall enter its decree of
86 incorporation, setting forth the boundaries of the proposed district as
87 determined by the court under the hearing. The decree shall further
88 contain an appointment of five voters from the district to constitute the
89 first board of trustees of the district. The court shall designate such
90 trustees to staggered terms from one to five years such that one
91 director is appointed or elected each year. The trustees appointed by
92 the court shall serve for the terms designated and until their successors
93 have been appointed or elected as provided in section 204.610. The
94 decree shall further designate the name of the district by which it shall
95 officially be known.

96 6. The decree of incorporation shall not become final and
97 conclusive until it is submitted to the voters residing within the
98 boundaries described in such decree and until it is assented to by a
99 majority of the voters as provided in subsection 9 of this section or by
100 two-thirds of the voters of the district voting on the proposition. The
101 decree shall provide for the submission of the question and shall fix the
102 date of submission. The returns shall be certified by the election
103 authority to the circuit court having jurisdiction in the case, and the
104 court shall enter its order canvassing the returns and declaring the
105 result of such election.

106 7. If a majority of the voters of the district voting on such
107 proposition approve of the proposition, then the court shall, in such
108 order declaring the result of the election, enter a further order
109 declaring the decree of incorporation to be final and conclusive. In the
110 event, however, that the court should find that the question had not
111 been assented to by the majority required in this section, the court

112 shall enter a further order declaring such decree of incorporation to be
113 void. No appeal shall be permitted from any such decree of
114 incorporation nor from any of the aforesaid orders. In the event that
115 the court declares the decree of incorporation to be final, the clerk of
116 the circuit court shall file certified copies of such decree of
117 incorporation and of such final order with the secretary of state of the
118 state of Missouri, with the recorder of deeds of the county or counties
119 in which the district is situated, and with the clerk of the county
120 commission of the county or counties in which the district is situated.

121 8. The costs incurred in the formation of the district shall be
122 taxed to the district, if the district is incorporated; otherwise the costs
123 shall be paid by the petitioners.

124 9. If petitioners seeking formation of a reorganized common
125 sewer district specify in their petition that the district to be organized
126 shall be organized without authority to issue general obligation bonds,
127 then the decree relating to the formation of the district shall recite that
128 the district shall not have authority to issue general obligation
129 bonds. The vote required for such a decree of incorporation to become
130 final and conclusive shall be a simple majority of the voters of the
131 district.

132 10. Once a reorganized sewer district is established, the
133 boundaries of the reorganized sewer district may be extended or
134 enlarged from time to time upon the filing, with the clerk of the circuit
135 court having jurisdiction, of a petition by either:

136 (1) The board of trustees of the reorganized sewer district and
137 five or more voters or landowners within the territory proposed to be
138 added to the district; or

139 (2) The board of trustees and a majority of the landowners
140 within the territory that is proposed to be added to the reorganized
141 sewer district.

142 If the petition is filed by a majority of the voters or landowners within
143 the territory proposed to be added to the reorganized sewer district,
144 the publication of notice shall not be required, provided notice is
145 posted in three public places within such territory at least seven days
146 before the date of the hearing, and provided that there is sworn
147 testimony by at least five landowners in such territory, or a majority
148 of the landowners if the total landowners in the area are fewer than
149 ten. Otherwise the procedures for notice substantially shall follow the
150 procedures in subsection 2 of this section for formation. Territory

151 **proposed to be added to the reorganized sewer district may be either**
152 **contiguous or reasonably close to the boundaries of the existing**
153 **district, provided that it shall not include any territory within the**
154 **corporate boundaries of any sewer district then existing or within the**
155 **certificated boundaries then existing of any sewer corporation**
156 **providing service under a certificate of convenience and necessity**
157 **granted by the public service commission. Upon the entry of a final**
158 **judgment declaring the court's decree of territory proposed to be added**
159 **to the reorganized sewer district to be final and conclusive, the court**
160 **shall modify or rearrange the boundary lines of the reorganized sewer**
161 **district as may be necessary or advisable. The costs incurred in the**
162 **enlargement or extension of the district shall be taxed to the district,**
163 **if the district is enlarged or extended. Otherwise, such costs shall be**
164 **paid by the petitioners. However, no costs shall be taxed to the**
165 **trustees of the district.**

166 **11. Should any landowner who owns real estate that is not within**
167 **the certificated boundaries of any sewer corporation providing service**
168 **under a certificate of convenience and necessity granted by the public**
169 **service commission or within another sewer district organized under**
170 **this chapter or chapters 249 or 247, RSMo, or under the Missouri**
171 **Constitution, but that is contiguous or reasonably close to the existing**
172 **boundaries of the reorganized sewer district, desire to have such real**
173 **estate incorporated in the district, the landowner shall first petition**
174 **the board of trustees for its approval. If such approval is granted, the**
175 **secretary of the board shall endorse a certificate of the board's**
176 **approval of the petition. The petition so endorsed shall be filed with**
177 **the clerk of the circuit court in which the reorganized sewer district is**
178 **incorporated. It then shall be the duty of the court to amend the**
179 **boundaries of such district by a decree incorporating the real estate. A**
180 **certified copy of this amended decree including the real estate in the**
181 **district then shall be filed in the office of the recorder, in the office of**
182 **the county clerk of the county in which the real estate is located, and**
183 **in the office of the secretary of state. The costs of this proceeding shall**
184 **be borne by the petitioning property owner.**

185 **12. The board of trustees of any reorganized common sewer**
186 **district may petition the circuit court of the county containing the**
187 **majority of the acreage in the district for an amended decree of**
188 **incorporation to allow that district to engage in the construction,**
189 **maintenance, and operation of water supply and distribution facilities**

190 that serve ten or more separate properties located wholly within the
191 district, are not served by another political subdivision, or are not
192 located within the certificated area of a water corporation as defined
193 in chapter 386, RSMo, or within a public water supply district as
194 defined in chapter 247, RSMo, and the operation and maintenance of all
195 such existing water supply facilities. The petition shall be filed by the
196 board of trustees, and all proceedings shall be in substantially the same
197 manner as in action for initial formation of a reorganized common
198 sewer district, except that no vote of the residents of the district shall
199 be required. All applicable provisions of this chapter shall apply to the
200 construction, operation, and maintenance of water supply facilities in
201 the same manner as they apply to like functions relating to sewer
202 treatment facilities.

204.604. 1. Any existing common sewer district organized and
2 existing under sections 204.250 to 204.270, and any sewer district
3 organized and existing under chapter 249, RSMo, may establish itself
4 as a reorganized common sewer district under sections 204.600 to
5 204.640 by first filing a petition with the county commission of the
6 county or counties in which it was established to approve its
7 reorganization under sections 204.600 to 204.640 if the governing body
8 of the district has by resolution determined that it is in the best
9 interest of the district to reorganize under sections 204.600 to
10 204.640. The petition shall be ruled on by that county commission, or
11 each county commission if the district exists in more than one county,
12 within thirty days from the date of hearing the petition. If the petition
13 for the reorganized district is rejected by the county commission or any
14 county commissions in districts existing in more than one county, no
15 further action on the reorganized district shall take place before the
16 county commission or commissions comprising the district or the
17 circuit having jurisdiction over the district court. If approved by the
18 county commission, or each county commission if the district exists in
19 more than one county, such petition shall specify whether the board of
20 trustees shall be appointed by the governing body of the county or
21 elected by the voters of the district. Such petition shall be
22 accompanied by a cash deposit of fifty dollars as an advancement of the
23 costs of the proceeding, and the petition shall be signed by the trustees
24 of the district and shall request the conversion of the district into a
25 reorganized common sewer district.

26 2. Upon filing, the petition shall be presented to the circuit

27 court, and such court shall fix a date for a hearing on the petition. The
28 clerk of the court shall give notice of the filing of the petition in some
29 newspaper of general circulation within the existing district or closest
30 to the existing district if there is no newspaper of general circulation
31 within the existing district. If the existing district extends into any
32 other county, such notice also shall be published in some newspaper of
33 general circulation in such other county. The notice shall contain a
34 description of the boundary lines of the existing district and the
35 general purposes of the petition. The notice shall set forth the date
36 fixed for the hearing on the petition, which shall not be less than
37 fifteen nor more than twenty-one days after the date of the last
38 publication of the notice and shall be on some regular judicial day of
39 the court where the petition is pending. Such notice shall be signed by
40 the clerk of the circuit court and shall be published in a newspaper of
41 general circulation.

42 3. The court, for good cause shown, may continue the case or the
43 hearing from time to time until final disposition.

44 4. Exceptions to the conversion of an existing district to a
45 reorganized common sewer district may be made by any voter or
46 property owner within the proposed district, provided that such
47 exceptions are filed not less than five days prior to the date set for the
48 hearing on the petition. Such exceptions shall specify the grounds
49 upon which the exceptions are being made. If any such exceptions are
50 filed, the court shall take them into consideration and shall consider
51 the evidence in support of the petition and in support of the exceptions
52 made. Should the court find that it would not be in the public interest
53 to form such a district, the petition shall be dismissed at the cost of the
54 petitioners. If the court finds that the conversion of the district to a
55 reorganized common sewer district under sections 204.600 to 204.640 is
56 in the best interests of the persons served by the existing district, then
57 the court shall order the district's decree of incorporation amended to
58 permit reorganization under sections 204.600 to 204.640. The existing
59 board of trustees for such district shall continue to serve the
60 reorganized common sewer district until such time as new trustees
61 shall be appointed or elected as provided for in the court's decree. If
62 their original terms of office are not so designated, the court shall
63 designate such trustees to staggered terms from one to five years, so
64 that one trustee is appointed or elected each year. The trustees
65 appointed by the court shall serve for the terms designated and until

66 their successors are appointed or elected as provided in section
67 204.610. The decree shall further designate the name of the district by
68 which it officially shall be known.

204.606. The bonded indebtedness or security interest of any
2 creditor of any common sewer district originally organized and existing
3 under sections 204.250 to 204.270 and any sewer district originally
4 organized and existing under chapter 249, RSMo, that convert to a
5 reorganized common sewer district shall not be impaired or affected by
6 such conversion, and all covenants and obligations of such
7 indebtedness shall remain in full force and effect, payable under the
8 terms and conditions that existed without conversion.

204.608. 1. When a decree or amended decree of incorporation
2 is issued as provided for in sections 204.600 to 204.640, a reorganized
3 common sewer district shall be considered in law and equity a body
4 corporate and politic and political subdivision of this state, known by
5 the name specified in the court's decree, and by that name and style
6 may sue and be sued, contract and be contracted with, acquire and hold
7 real estate and personal property necessary for corporate purposes,
8 and adopt a common seal. A reorganized common sewer district also
9 shall have exclusive jurisdiction and authority to provide wastewater
10 collection and treatment services within the boundaries of the district
11 with respect to any wastewater service provider authorized to provide
12 sewer services under the laws of this state, except for sewer
13 corporations providing service under a certificate of convenience and
14 necessity granted by the public service commission.

15 2. All courts in this state shall take judicial notice of the
16 existence of any district organized under sections 204.600 to 204.640.

204.610. 1. There shall be five trustees, appointed or elected as
2 provided for in the circuit court decree or amended decree of
3 incorporation for a reorganized common sewer district, who shall
4 reside within the boundaries of the district. Each trustee shall be a
5 voter of the district and shall have resided in said district for twelve
6 months immediately prior to the trustee's election or appointment. A
7 trustee shall be at least twenty-five years of age and shall not be
8 delinquent in the payment of taxes at the time of the trustee's election
9 or appointment. Regardless of whether or not the trustees are elected
10 or appointed, in the event the district extends into any county
11 bordering the county in which the greater portion of the district lies,
12 the presiding commissioner or other chief executive officer of the

13 adjoining county shall be an additional member of the board of
14 trustees, or the governing body of such bordering county may appoint
15 a citizen from such county to serve as an additional member of the
16 board of trustees. Said additional trustee shall meet the qualifications
17 set forth in this section for a trustee.

18 2. The trustees shall receive no compensation for their services
19 but may be compensated for reasonable expenses normally incurred in
20 the performance of their duties. The board of trustees may employ and
21 fix the compensation of such staff as may be necessary to discharge the
22 business and purposes of the district, including clerks, attorneys,
23 administrative assistants, and any other necessary personnel. The
24 board of trustees may employ and fix the duties and compensation of
25 an administrator for the district. The administrator shall be the chief
26 executive officer of the district subject to the supervision and direction
27 of the board of trustees. The administrator of the district may, with the
28 approval of the board of trustees, retain consulting engineers for the
29 district under such terms and conditions as may be necessary to
30 discharge the business and purposes of the district.

31 3. Except as provided in subsection 1 of this section, the term of
32 office of a trustee shall be five years. The remaining trustees shall
33 appoint a person qualified under this section to fill any vacancy on the
34 board. The initial trustees appointed by the circuit court shall serve
35 until the first Tuesday after the first Monday in June or until the first
36 Tuesday after the first Monday in April, depending upon the resolution
37 of the trustees. In the event that the trustees are elected, said elections
38 shall be conducted by the appropriate election authority under chapter
39 115, RSMo. Otherwise, trustees shall be appointed by the county
40 commission in accordance with the qualifications set forth in
41 subsection 1 of this section.

42 4. Notwithstanding any other provision of law, if there is only
43 one candidate for the post of trustee, then no election shall be held, and
44 the candidate shall assume the responsibilities of office at the same
45 time and in the same manner as if elected. If there is no candidate for
46 the post of trustee, then no election shall be held for that post and it
47 shall be considered vacant, to be filled under the provisions of
48 subsection 3 of this section.

204.612. The board of trustees of a reorganized common sewer
2 district shall have no power to levy or collect any taxes for the payment
3 of any general obligation bond indebtedness incurred by the

4 reorganized common sewer district unless the voters of the reorganized
5 common sewer district authorizes the board to incur indebtedness at
6 an election. All expenses and indebtedness incurred by the reorganized
7 common sewer district may be paid from funds that may be received by
8 the reorganized common sewer district from the sale of bonds
9 authorized by the voters of the reorganized common sewer district.

204.614. 1. Such bonds shall be signed by the president of the
2 board of trustees and attested by the signature of the secretary of the
3 board of trustees with the seal of the district affixed, if the district has
4 a seal. The interest coupons may be executed by affixing the facsimile
5 signature of the secretary of the district.

6 2. The moneys of the reorganized common sewer district shall be
7 deposited by the treasurer of the reorganized common sewer district
8 in such bank or banks as shall be designated by order of the board of
9 trustees. The secretary of the reorganized common sewer district shall
10 charge the treasurer, and the moneys shall be drawn from the treasury
11 upon checks or warrants issued by the reorganized common sewer
12 district for the purposes for which the bonds were issued.

204.616. 1. The board of trustees of any reorganized common
2 sewer district shall have power to pass all necessary rules and
3 regulations for the proper management and conduct of the business of
4 the board of trustees and the district, and for carrying into effect the
5 objectives for which the reorganized common sewer district is formed.

6 2. The board of trustees of a reorganized common sewer district,
7 subject to compliance with the exercise of lawful authority granted to
8 or rules adopted by the clean water commission under section 644.026,
9 RSMo, may exercise primary authority to adopt, modify, and repeal,
10 and to administer and enforce rules and regulations with respect to:

11 (1) The establishment, construction, reconstruction,
12 improvement, repair, operation, and maintenance of its sewer systems
13 and treatment facilities;

14 (2) Industrial users discharging into its sewer systems or
15 treatment facilities;

16 (3) The establishment, operation, administration, and
17 enforcement of a publicly owned treatment works pretreatment
18 program consistent with state and federal pretreatment standards,
19 including inspection, monitoring, sampling, permitting, and reporting
20 programs and activities.

21 The board of trustees may, in addition to any pretreatment standards

22 imposed under this section, require of any user of its treatment
23 facilities such other pretreatment of industrial wastes as it deems
24 necessary to adequately treat such wastes.

25 3. The rules and regulations adopted by the board of trustees
26 under subsection 2 of this section shall be applicable and enforceable
27 by civil, administrative, or other actions within any territory served by
28 its sewer systems or treatment facilities and against any municipality,
29 subdistrict, district, or industrial user who shall directly or indirectly
30 discharge sewage or permit discharge of sewage into the district's
31 sewer system or treatment facilities.

32 4. The authority granted to the board by this section is in
33 addition to and not in derogation of any other authority granted under
34 the constitution and laws of Missouri, any federal water pollution
35 control act, or the rules of any agency of federal or state government.

36 5. The term "industrial user", as used in this section, shall mean
37 any nondomestic source of discharge or indirect discharge into the
38 district's wastewater system that is regulated under section 307(b), (c),
39 or (d) of the Clean Water Act, or any source listed in division A, B, D,
40 E, or I of the Standard Industrial Classification Manual, or any solid
41 waste disposal operation such as, but not limited to, landfills, recycling
42 facilities, solid or hazardous waste handling or disposal facilities, and
43 facilities that store or treat aqueous wastes as generated by facilities
44 not located on site and that dispose of these wastes by discharging
45 them into the district's wastewater system.

204.618. 1. It shall be the duty of the board of trustees of a
2 reorganized common sewer district to make the necessary surveys and
3 to lay out and define the general plan for the construction and
4 acquisition of land, rights-of-way, and necessary sewers and treatment
5 facilities, and of any extensions, expansions, or improvements within
6 the district.

7 2. The board of trustees of a reorganized common sewer district
8 may enter into agreements with each municipality, subdistrict, private
9 district, sewer corporation, or any industrial user that discharges
10 sewage into trunk sewers, streams, or the treatment facilities of the
11 reorganized common sewer district concerning the locations and the
12 manner in which sewage may be discharged into the district system or
13 streams within the district and concerning the permissible content of
14 acid wastes, alkaline wastes, poisonous wastes, oils, grit, or other
15 wastes that might be hazardous or detrimental to the system. If no

16 agreement is obtained with regard to any such matter, the trustees
17 shall refer the dispute to the clean water commission. The
18 determination of the commission shall be binding upon the district,
19 municipality, subdistrict, sewer corporation, or private district. Each
20 municipality, subdistrict, sewer corporation, or private district shall
21 control the discharge of wastes into its collection sewers to the extent
22 necessary to comply with the agreement or the determination of the
23 clean water commission. The board of trustees of a reorganized
24 common sewer district or the governing body of any municipality,
25 subdistrict, private district, sewer corporation, or industrial user
26 discharging sewage into the stream or the system may petition the
27 circuit court that decreed the incorporation of the district for an order
28 enforcing compliance with any provision of such an agreement or
29 determination. That circuit court shall have jurisdiction in all cases or
30 questions arising out of the organization or operations of the district,
31 or from the acts of the board of trustees.

32 3. The board of trustees may contract with each participating
33 community for the payment of its proportionate share of treatment
34 costs.

35 4. The board of trustees may contract with public agencies,
36 individuals, private corporations, sewer corporation, and political
37 subdivisions inside and outside the reorganized common sewer district
38 to permit them to connect with and use the district's facilities
39 according to such terms, conditions, and rates as the board determines
40 are in the interest of the district and regardless of whether such
41 agencies, individuals, corporations, sewer corporations, and
42 subdivisions are in the same natural drainage area or basins as the
43 district. However, if such an area is located within the boundaries of
44 an existing common sewer district or reorganized common sewer
45 district organized and existing under this chapter, a sewer district
46 organized and existing under chapter 249, RSMo, a public water supply
47 district organized under chapter 247, RSMo, or a sewer corporation, the
48 board of trustees must give written notice to said district or sewer
49 corporation before such a contract is entered into, and the district or
50 sewer corporation must consent to said contract.

51 5. The board of trustees may refuse to receive any wastes into
52 the sewage system that do not meet relevant state or federal water
53 pollution, solid waste, or pretreatment standards.

54 6. The board of trustees shall have all of the powers necessary

55 and convenient to provide for the operation, maintenance,
56 administration, and regulation, including the adoption of rules and
57 regulations, of any individual home sewage or business treatment
58 systems within the jurisdiction of the common sewer district.

59 7. The board of trustees shall have all of the powers necessary
60 and convenient to provide for the operation and maintenance of its
61 treatment facilities and the administration, regulation, and
62 enforcement of its pretreatment program, including the adoption of
63 rules and regulations to carry out its powers with respect to all
64 municipalities, subdistricts, districts, sewer corporations, and
65 industrial users that discharge into the collection system of the
66 district's sewer system or treatment facilities. These powers include,
67 but are not limited to:

- 68 (1) The promulgation of any rule, regulation, or ordinance;
- 69 (2) The issuance, modification, or revocation of any order;
- 70 (3) The issuance, modification, or revocation of any permit;
- 71 (4) Commencing an action through counsel for appropriate legal
72 or equitable relief in the circuit court that decreed the district's
73 incorporation against any industrial user in violation of the district's
74 rules, regulations, and ordinances or any permit or order issued.

75 8. The board of trustees may adopt rules and regulations
76 creating procedural remedies for all persons affected by any order or
77 permit issued, modified, or revoked by the board including but not
78 limited to the grant of reasonable time periods for such persons to
79 respond and to show cause.

80 9. Whenever any reference is made in this section to any action
81 that may be taken by the board of trustees, such reference includes
82 such action by its executive officer under powers and duties delegated
83 to such executive officer by the board of trustees.

204.620. 1. The board of trustees may acquire by purchase, gift,
2 or condemnation or may lease or rent any real or personal property,
3 and when condemnation is used, shall follow the procedure that is
4 provided by chapter 523, RSMo. All the powers may be exercised both
5 within or without the district as may be necessary to exercise its
6 powers or accomplish its purposes. The board of trustees also shall
7 have the same authority to enter upon private lands to survey land or
8 other property before exercise of the above condemnation powers, as
9 granted under section 388.210, RSMo, to railroad corporations.

10 2. The board of trustees of the reorganized common sewer

11 district, if it is necessary to cross, follow, or traverse public streets,
12 roads, alleys, or grounds held or used as public parks or places, shall
13 have the right to do so upon the following conditions: the board of
14 trustees shall file with the county commission or mayor of the
15 municipality having immediate jurisdiction over the street, road, alley,
16 or public park or place, a map showing the location and extent of the
17 proposed occupancy for sewerage purposes and a plan of the proposed
18 facilities, which plan shall be so made and arranged as not to interfere
19 with the ordinary and lawful use of the street, road, alley, public park,
20 or place, except during a reasonable time for the construction of the
21 necessary works.

22 3. The entire expense of the works and restoration of the ground
23 occupied to its former condition, as near as may be, shall be borne by
24 the reorganized common sewer district.

204.622. 1. The board of trustees for the reorganized common
2 sewer district shall let contracts for the construction of sewers and
3 sewage treatment plants that will cost more than twenty-five thousand
4 dollars, except in case of repairs or emergencies requiring prompt
5 attention. Notice of the contract bid process shall be published in a
6 newspaper of general circulation in the district. The board shall select
7 the lowest responsible bidder in no less than twenty days following
8 such publication. The board shall have the power and authority to
9 reject any and all bids and readvertise the work.

10 2. The board of trustees also shall have the power to enter into
11 agreements with persons or firms to provide professional services to
12 the board, and the board shall adopt policies for procuring the services
13 of such professionals. The provisions of sections 8.285 to 8.291, RSMo,
14 shall be applicable to the services of architects, engineers, and land
15 surveyors unless the board of trustees adopts a formal procedure for
16 the procurement of such services.

204.624. The cost of any reorganized common sewer district to
2 acquire, construct, improve, or extend a sewerage system may be met:

3 (1) Through the expenditures by the common sewer district of
4 any funds available for that purpose, including temporary or interim
5 financing funds obtained through any federal or state loan program or
6 from a local lending institution;

7 (2) From any other funds that may be obtained under any law of
8 the state or of the United States or from any county or municipality for
9 that purpose;

10 **(3) From the proceeds of revenue bonds of the common sewer**
11 **district, payable solely from the revenues to be derived from the**
12 **operation of such sewerage system or from any combination of all the**
13 **methods of providing funds;**

14 **(4) From the proceeds of general obligation bonds of the**
15 **reorganized common sewer district, payable solely from voter-approved**
16 **property taxes as provided for by law;**

17 **(5) From the proceeds of special obligation bonds of the**
18 **reorganized common sewer district, payable solely from special fees or**
19 **other revenues received by the district pledged for the purposes of**
20 **payment of such bonds; or**

21 **(6) From the proceeds of user fees, charges, or other imposition**
22 **for facilities and services provided by the district to its customers and**
23 **users or the availability of services provided to persons, users, and**
24 **customers within the district or who otherwise benefit from services**
25 **provided by the district.**

204.626. 1. A reorganized common sewer district may issue
2 **revenue bonds authorized by authority of a resolution adopted by the**
3 **board of trustees of the reorganized common sewer district unless, in**
4 **addition, the decree or amended decree of incorporation shall require**
5 **any such bonds to be approved by the voters of the district after an**
6 **election called for that purpose. The resolution shall recite that an**
7 **estimate of the cost of the proposed acquisition, construction,**
8 **improvement, extension, or other project has been made and shall set**
9 **out the estimated cost. It shall set out the amount of the bonds**
10 **proposed to be issued, their purposes, their dates, denominations, rates**
11 **of interest, times of payment, both of principal and of interest, places**
12 **of payment, and all other details in connection with the bonds.**

13 **2. The bonds may be subject to such provision for redemption**
14 **prior to maturity, with or without premium, and at such times and**
15 **upon such conditions as may be provided by the board of trustees of**
16 **the common sewer district.**

17 **3. The bonds shall bear interest at a rate in accordance with**
18 **section 108.170, RSMo, and shall mature over a period not exceeding**
19 **thirty-five years from the date thereof.**

20 **4. The bonds may be payable to bearer, may be registered or**
21 **coupon bonds, and if payable to bearer may contain such registration**
22 **privileges as to either principal and interest, or principal only, as may**
23 **be provided in the resolution authorizing the bonds.**

24 **5. The bonds and the coupons to be attached thereto, if any, shall**
25 **be signed in such manner and by such officers as may be directed by**
26 **resolution. Bonds signed by an officer who shall hold the office at the**
27 **time the bonds are signed shall be deemed validly and effectually**
28 **signed for all purposes, regardless of whether or not any officer shall**
29 **cease to hold his office prior to the delivery of the bonds and**
30 **regardless of whether or not any officer shall have held or shall not**
31 **have held such office on the date ascribed to the bonds.**

32 **6. The bonds shall be sold in such manner and upon such terms**
33 **as the board of trustees of the reorganized common sewer district shall**
34 **determine, subject to the provisions of section 108.170, RSMo. The**
35 **resolution may provide that certain bonds authorized shall be junior**
36 **or subordinate in any or all respects to other revenue bonds authorized**
37 **concurrently with, prior to, or after such bonds.**

204.628. Any user fees or charges, connection fees, or other
2 **charges levied by the reorganized common sewer district to fund its**
3 **general or special operations, maintenance, or payment of bonded**
4 **indebtedness or other indebtedness shall be due at such time or times**
5 **as specified by the reorganized common sewer district, and shall, if not**
6 **paid by the due date, become delinquent and shall bear interest from**
7 **the date of delinquency until paid. In addition to and consistent with**
8 **any other provision of applicable law, if such fees or charges or other**
9 **amounts due become delinquent, there shall be a lien upon the land,**
10 **and a notice of delinquency shall be filed with the recorder of deeds in**
11 **the county where the land is situated. The reorganized common sewer**
12 **district shall file with the recorder of deeds a similar notice of**
13 **satisfaction of debt when the delinquent amounts, plus interest and any**
14 **recording fees or attorneys' fees, have been paid in full. The lien**
15 **created may be enforced by foreclosure by power of sale vested in the**
16 **reorganized common sewer district if the reorganized common sewer**
17 **district adopts written rules for the exercise of power of sale consistent**
18 **with the provisions of sections 443.290 to 443.325, RSMo, which are**
19 **recorded in the land records of the office of the recorder of deeds in**
20 **each county in which the district is located. Otherwise, such lien shall**
21 **be enforced by suit in the circuit court having jurisdiction against the**
22 **property subject to the lien for judicial foreclosure and sale by special**
23 **execution. Such suit may include a request for judgment against the**
24 **persons responsible for payment of such delinquency as well as the**
25 **person or persons owning the property to which services were**

26 provided, if different, including post-sale deficiency, and as a part of
27 the relief, may include award of the district's reasonable attorney's
28 fees, court costs, and other expenses reasonably incurred by the district
29 for collection.

204.630. It shall be the mandatory duty of any reorganized
2 common sewer district issuing any general or special revenue bonds
3 under sections 204.600 to 204.640 to:

4 (1) Fix and maintain rates and make and collect charges for the
5 use and services of the system, for the benefit of which revenue bonds
6 were issued, sufficient to pay the cost of maintenance and operation;

7 (2) Pay the principal of and the interest on all revenue bonds
8 issued by the reorganized common sewer district chargeable to the
9 revenues of the system; and

10 (3) Provide funds ample to meet all valid and reasonable
11 requirements of the resolution by which the revenue bonds have been
12 issued.

13 From time to time, the rates shall be revised to meet fully the
14 requirements of sections 204.600 to 204.640. As long as any bond issued
15 or the interest thereon shall remain outstanding and unpaid, rates and
16 charges sufficient to meet the requirements of this section shall be
17 maintained and collected by the reorganized common sewer district
18 that issued the bonds.

204.632. 1. Whenever any reorganized common sewer district
2 authorizes and issues revenue bonds under sections 204.600 to 204.640,
3 an amount sufficient for the purpose of the net revenues of the
4 sewerage system for the benefit of which the bonds are issued shall, by
5 operation of sections 204.600 to 204.640, be pledged to the payment of
6 the principal of and the interest on the bonds as the same shall mature
7 and accrue.

8 2. The term "net revenues" means all income and revenues
9 derived from the ownership and operation of the system less the actual
10 and necessary expenses of operation and maintenance of the system.

11 3. It shall be the mandatory duty of the treasurer of the
12 reorganized common sewer district to provide for the prompt payment
13 of the principal and interest on any revenue bonds as they mature and
14 accrue.

204.634. 1. The resolution of the board of trustees of the
2 reorganized common sewer district authorizing the issuance of revenue
3 bonds under the authority of sections 204.600 to 204.640 may provide

4 that periodic allocations of the revenues to be derived from the
5 operation of the system for the benefit of which the bonds are issued
6 shall be made into such accounts, separate and apart from any other
7 accounts of the district, as shall be deemed to be advisable to assure
8 the proper operation and maintenance of the system and the prompt
9 payment of the indebtedness chargeable to the revenues of the
10 system. The accounts may include, but shall not be limited to:

11 (1) An account to provide funds to operate and maintain the
12 system;

13 (2) An account to provide funds to pay principal and interest on
14 the bonds as they come due;

15 (3) An account to provide an adequate reserve for depreciation,
16 to be expended for replacements of the system;

17 (4) An account for the accumulation of a reserve to assure the
18 prompt payment of the bonds and the interest whenever and to the
19 extent that other funds are not available for that purpose;

20 (5) An account to provide funds for contingent expenses in the
21 operation of the system;

22 (6) An account to provide for the accumulation of funds for the
23 construction of extensions and improvements to the system; and

24 (7) Such other accounts as may be desirable in the judgment of
25 the board of trustees.

26 2. The resolution also may establish such limitations as may be
27 expedient upon the issuance of additional bonds, payable from the
28 revenues of the system, or upon the rights of the holders of such
29 additional bonds. Such resolution may include other agreements with
30 the holders of the bonds or covenants or restrictions necessary or
31 desirable to safeguard the interests of the bondholder and to secure the
32 payment of the bonds and the interest thereon.

204.636. For the purpose of refunding, extending, and unifying
2 the whole or any part of any valid outstanding bonded indebtedness
3 payable from the revenues of a sewerage system, any reorganized
4 common sewer district may issue refunding bonds not exceeding in
5 amount the principal of the outstanding indebtedness to be refunded
6 and the accrued interest to the date of the refunding bonds. The board
7 of trustees of the reorganized common sewer district shall provide for
8 the payment of interest which shall not exceed the same rate and the
9 principal of the refunding bonds in the same manner and from the same
10 source as was provided for the payment of interest on and principal of

11 the bonds to be refunded.

204.638. The board of trustees of the reorganized common sewer
2 district may apply for and accept grants or funds and material or labor
3 from the state and federal government in the construction of a
4 sewerage system, as provided by sections 204.600 to 204.640, and may
5 enter into such agreements as may be required of the state or federal
6 laws, or the rules and regulations of any federal or state department,
7 to which the application is made, and where the assistance is granted.

204.640. It shall be the duty of the mayors of cities, the circuit
2 court, the governing bodies of counties, all political subdivisions, and
3 all assessors, sheriffs, collectors, treasurers, and other officials in the
4 state of Missouri to do and perform all the acts and to render all the
5 services necessary to carry out the purposes of sections 204.600 to
6 204.640.

204.650. Sections 204.650 to 204.672 shall be known and may be
2 cited as the "Sanitary Sewer Improvement Area Act", and the following
3 words and terms, as used in these sections, mean:

4 (1) "Acquire", the acquisition of property or interests in property
5 by purchase, gift, condemnation, or other lawful means and may
6 include the acquisition of existing property and improvements already
7 owned by the district;

8 (2) "Assess or assessment", a unit of measure to allocate the cost
9 of an improvement among property or properties within a sanitary
10 sewer improvement area based on an equitable method of determining
11 benefits to any such property resulting from an improvement;

12 (3) "Consultant", engineers, architects, planners, attorneys,
13 financial advisors, accountants, investment bankers, and other persons
14 deemed competent to advise and assist the governing body of the
15 district in planning and making improvements;

16 (4) "Cost", all costs incurred in connection with an improvement,
17 including but not limited to costs incurred for the preparation of
18 preliminary reports, preparation of plans and specifications,
19 preparation and publication of notices of hearings, resolutions,
20 ordinances, and other proceedings, fees, and expenses of consultants,
21 interest accrued on borrowed money during the period of construction,
22 underwriting costs, and other costs incurred in connection with the
23 issuance of bonds or notes, establishment of reasonably required
24 reserve funds for bonds or notes, the cost of land, materials, labor, and
25 other lawful expenses incurred in planning, acquiring, and doing any

26 **improvement, reasonable construction contingencies, and work done or**
27 **services performed by the district in the administration and**
28 **supervision of the improvement;**

29 **(5) "District or common sewer district", any public sanitary sewer**
30 **district or reorganized common sewer district established and existing**
31 **under this chapter or chapter 249, RSMo, and any metropolitan sewer**
32 **district organized under the constitution of this state;**

33 **(6) "Improve", to construct, reconstruct, maintain, restore,**
34 **replace, renew, repair, install, equip, extend, or to otherwise perform**
35 **any work that will provide a new sanitary sewer facility or enhance,**
36 **extend, or restore the value or utility of an existing sanitary sewer**
37 **facility;**

38 **(7) "Improvement", any one or more sanitary sewer facilities or**
39 **improvements that confer a benefit on property within a definable area**
40 **and may include or consist of a reimprovement of a prior**
41 **improvement. Improvements include but are not limited to the**
42 **following activities:**

43 **(a) To acquire property or interests in property when necessary**
44 **or desirable for any purpose authorized by sections 204.650 to 204.672;**

45 **(b) To improve sanitary sewers, wastewater treatment plants,**
46 **lagoons, septic tanks and systems, and any and all other sanitary sewer**
47 **and waste water collection and treatment systems of any type, whether**
48 **located on improved or unimproved public or private property, the**
49 **general object and nature of which will either preserve, maintain,**
50 **improve, or promote the general public health, safety, and welfare, or**
51 **the environment, regardless of technology used;**

52 **(8) "Sanitary sewer improvement area", an area of a district with**
53 **defined limits and boundaries that is created by petition under sections**
54 **204.650 to 204.672 and that is benefited by an improvement and subject**
55 **to assessments against the real property for the cost of the**
56 **improvement, provided that no such improvement area shall include**
57 **any real property within the certificated boundaries of any sewer**
58 **corporation providing service under a certificate of convenience and**
59 **necessity granted by the public service commission;**

60 **(9) "User fee", a fee established and imposed by a district to pay**
61 **an assessment, in periodic installments, for improvements made in a**
62 **sanitary sewer improvement area that benefit the property within such**
63 **area that is subject to the assessment.**

204.652. As an alternative to all other methods provided by law

2 or charter, the governing body of any sewer district or reorganized
3 sewer district organized and operated under this chapter or chapter
4 249, RSMo, or any metropolitan sewer district organized under the
5 constitution of this state, may make, or cause to be made,
6 improvements that confer a benefit upon property within a sanitary
7 sewer improvement area under sections 204.650 to 204.672. The
8 governing body of such district may issue temporary notes and revenue
9 bonds under sections 204.650 to 204.672 to pay for all or part of the cost
10 of such improvements. An improvement may be combined with one or
11 more other improvements for the purpose of issuing a single series of
12 revenue bonds to pay all or part of the cost of the sanitary sewer
13 improvement area's improvements, but separate funds or accounts shall
14 be established within the records of the district for each improvement
15 project as provided in sections 204.650 to 204.672. Such district shall
16 make assessments and may impose user fees on the property located
17 within the sanitary sewer improvement area, in addition to any other
18 fees or charges imposed by the district to provide services or pay
19 debt. The district shall use the moneys collected from such assessments
20 and user fees from a sanitary sewer improvement area to reimburse the
21 district for all amounts paid or to be paid by it as principal of and
22 interest on its temporary notes and revenue bonds issued for the
23 improvements made in the sanitary sewer improvement area.

204.654. 1. To establish a sanitary sewer improvement area, the
2 governing body of the sewer district shall comply with the following
3 procedure: the governing body of the district may create a sanitary
4 sewer improvement area when a proper petition has been signed by the
5 owners of record of four-sevenths of the property within the proposed
6 sanitary sewer improvement area. The petition, in order to become
7 effective, shall be filed with the district. A proper petition for the
8 creation of a sanitary sewer improvement area shall set forth the
9 project name for the proposed improvement, the general nature of the
10 proposed improvement, the estimated cost of such improvement, the
11 boundaries of the proposed sanitary sewer improvement area, the
12 proposed method or methods of financing the project, including the
13 estimated amount of and method for imposing user fees against the real
14 property within the sanitary sewer improvement area to pay for the
15 cost of the improvements and any bonds issued, a notice that the names
16 of the signers may not be withdrawn later than seven days after the
17 petition is filed with the district, and a notice that the final cost of such

18 **improvement and the amount of revenue bonds issued shall not exceed**
19 **the estimated cost of such improvement, as stated in such petition, by**
20 **more than twenty-five percent.**

21 **2. Upon filing a proper petition with the district, the governing**
22 **body may, by resolution, determine the advisability of the improvement**
23 **and may order that the area be established and that preliminary plans**
24 **and specifications for the improvement be made. Such resolution shall**
25 **state and make findings as to the project name for the proposed**
26 **improvement, the nature of the improvement, the estimated cost of**
27 **such improvement, the boundaries of the sanitary sewer improvement**
28 **area, the proposed method or methods of imposing assessments and, if**
29 **known, proposed estimated user fees within the district. The resolution**
30 **also shall state that the final cost of such improvement within the**
31 **sanitary sewer improvement area and the amount of revenue bonds**
32 **issued shall not, without a new petition, exceed the estimated cost of**
33 **such improvement by more than twenty-five percent.**

34 **3. The boundaries of the proposed area shall be described by**
35 **bounds, streets, or other sufficiently specific description.**

204.656. The portion of the cost of any improvement to be
2 **assessed or imposed against the real property in a sanitary sewer**
3 **improvement area shall be apportioned against such property in**
4 **accordance with the benefits accruing by reason of such**
5 **improvement. Subject to the provisions of the farmland protection act,**
6 **sections 262.800 to 262.810, RSMo, the cost may be assessed equally by**
7 **lot or tract against property within the area, or by any other**
8 **reasonable assessment plan determined by the governing body of the**
9 **district that results in imposing substantially equal burdens or share**
10 **of the cost upon property similarly benefited. The governing body of**
11 **the district may from time to time determine and establish by**
12 **resolution reasonable general classifications and formula for the**
13 **methods of assessing or determining the benefits.**

204.658. 1. After the governing body has made the findings
2 **specified in sections 204.650 to 204.672 and plans and specifications for**
3 **the proposed improvements have been prepared, the governing body**
4 **shall by resolution order assessments to be made against each parcel**
5 **of real property deemed to be benefited by an improvement based on**
6 **the revised estimated cost of the improvement or, if available, the final**
7 **cost, and shall order a proposed assessment roll to be prepared.**

8 **2. The plans and specifications for the improvement and the**

9 proposed assessment roll shall be filed with the district and shall be
10 open for public inspection. Such district shall, at the direction of the
11 governing body, publish notice that the governing body will conduct a
12 hearing to consider the proposed improvement and proposed
13 assessments. Such notice shall be published in a newspaper of general
14 circulation at least once not more than twenty days and not less than
15 ten days before the hearing and shall state the project name for the
16 improvement, the date, time, and place of such hearing, the general
17 nature of the improvement, the revised estimated cost or, if available,
18 the final cost of the improvement, the boundaries of the sanitary sewer
19 improvement area to be assessed, and that written or oral objections
20 will be considered at the hearing. Not less than ten days before, the
21 district shall mail to the owners of record of the real property in the
22 sanitary sewer improvement area, at their last known post office
23 address, a notice of the hearing and a statement of the cost proposed
24 to be assessed against the real property so owned and assessed. The
25 failure of any owner to receive such notice shall not invalidate the
26 proceedings.

204.660. 1. At the hearing to consider the proposed
2 improvements and assessments, the governing body shall hear and pass
3 upon all objections to the proposed improvements and proposed
4 assessments, if any, and may amend the proposed improvements, and
5 the plans and specifications, or assessments as to any property, and
6 thereupon by resolution, the governing body shall order that the
7 improvement be made and direct that financing for the cost be obtained
8 as provided in sections 204.650 to 204.672.

9 2. After the improvement has been completed in accordance with
10 the plans and specifications, the governing body shall compute the final
11 costs of the improvement and apportion the costs among the property
12 benefited by such improvement in such equitable manner as the
13 governing body shall determine, charging each tract, lot, or parcel of
14 property with its proportionate share of the costs, and by resolution,
15 assess the final cost of the improvement, or the amount of revenue
16 bonds issued or to be issued to pay for the improvement, as special
17 assessments against the property described in the assessment roll.

18 3. After the passage or adoption of the resolution assessing the
19 special assessments, the district shall mail to each property owner
20 within the district a notice that sets forth a description of each owners
21 tract, lot, or parcel of real property to be assessed, the assessment

22 assigned to such property, and a statement that the property owner
23 may pay such assessment in full, together with interest accrued from
24 the effective date of such resolution, on or before a specified date
25 determined by the effective date of the resolution, or may pay such
26 assessment in the form of user fees in periodic installments as provided
27 in subsection 4 of this section. Notice of each assessment and
28 imposition of the assessment lien, together with a legal description for
29 each property assessed within the area, shall be filed with the recorder
30 of deeds upon the effective date of the resolution. However, failure to
31 record any such notice in a timely manner shall not affect the validity
32 of the assessments or liens. The district shall record written notice of
33 release of lien whenever an assessment is paid in full. The cost of
34 recording assessment notices and release of liens shall be includable in
35 the assessment.

36 4. The special assessments shall be assessed upon the property
37 within the area. Those not paid in full as provided in subsection 3 of
38 this section shall be payable in the form of user fees payable in
39 periodic and substantially equal installments, as determined by the
40 district, for a duration prescribed by the resolution establishing the
41 special assessments. All assessments shall bear interest at such rate as
42 the governing body determines, not to exceed the rate permitted for
43 bonds by section 108.170, RSMo. Interest on the assessment between
44 the effective date of the resolution assessing the special assessments
45 and the date the first installment of a user fee is payable shall be added
46 to the first installment or prorated among all scheduled installments.

47 5. Assessments not paid in full shall be collected and paid over
48 to the district in the form of user fees in the same manner as other
49 district fees and charges are collected and paid, or by any other
50 reasonable method determined by the district.

204.662. No suit to set aside the assessments made under sections
2 204.680 to 204.730, or to otherwise question the validity of the
3 proceedings, shall be brought after the expiration of ninety days from
4 the date the notice is mailed to the last known owners of record of the
5 assessments required by subsection 3 of section 204.660.

204.664. 1. To correct omissions, errors, or mistakes in the
2 original assessment that relate to the total cost of an improvement, the
3 governing body of the district may, without a notice or hearing, make
4 supplemental or additional assessments on property within a sanitary
5 sewer improvement area, except that such supplemental or additional

6 assessments shall not, without a new petition as provided in sections
7 204.650 to 204.672, exceed twenty-five percent of the estimated cost of
8 the improvement as set forth in the petition under the provisions of
9 sections 204.650 to 204.672.

10 2. When an assessment is, for any reason whatsoever, set aside
11 by a court of competent jurisdiction as to any property, or in the event
12 the governing body finds that the assessment or any part thereof is
13 excessive or determines on advice of counsel in writing that it is or
14 may be invalid for any reason, the governing body may, upon notice
15 and hearing as provided for the original assessment, make a
16 reassessment or a new assessment as to such property.

204.666. An assessment authorized under sections 204.650 to
2 204.672, once determined and imposed, shall constitute a lien against
3 such property until paid in full and shall not be affected by the
4 existence or enforcement of any other liens or encumbrances, nor shall
5 enforcement of an assessment lien have any effect on the validity or
6 enforcement of any tax lien or lien established by mortgage or deed of
7 trust. An assessment lien becomes delinquent when an assessment is
8 not paid in full as prescribed by sections 204.650 to 204.672, or when
9 one or more periodic installments imposed by the district for an
10 assessment remain unpaid for a period of thirty days or more after
11 notice of delinquency in payment is mailed to the last known owners
12 of the property subject to assessment by regular United States mail and
13 by certified mail, return receipt requested, at their last known address,
14 provided by such owners to the district and to the occupant of property
15 that is subject to assessment, if different from that of the owners. In
16 the event any such user fee remains unpaid after thirty days of the
17 mailing of any such notice, and in addition to any other remedy the
18 district may have by statute or duly enacted regulation for the
19 collection of delinquent amounts owed to the district, the district shall
20 be entitled to petition the circuit court having jurisdiction to foreclose
21 upon the assessment lien by special execution sale of the property
22 subject to the assessment for the unpaid assessment plus reasonable
23 attorney's fees, court costs, and other reasonable costs incurred by the
24 district in collection. In any such suit, the district shall name all
25 parties appearing of record to have or claim an interest in the property
26 subject to the unpaid assessment and shall file a notice of lis pendens
27 in connection with said action. In addition, the district may obtain a
28 judgment against last known owners of the property for any deficiency

29 in payment of the assessment and costs and fees made a part of the
30 court's judgment.

204.668. After an improvement has been authorized under
2 sections 204.650 to 204.672, the governing body of the district may issue
3 temporary notes of the district to pay the costs of such improvement in
4 an amount not to exceed the estimated cost of such improvement. Such
5 temporary notes may be issued in anticipation of issuance of revenue
6 bonds of the district. The district may participate in any
7 governmentally sponsored bond pooling program or other bond
8 program. Bonds may be issued and made payable from special
9 assessments paid in the form of user fees under subsection 4 of section
10 204.660 and other revenues of the district.

204.670. A separate fund or account shall be created by the
2 district for each improvement project, and each such fund or account
3 shall be identified by a suitable title. The proceeds from the sale of
4 bonds and temporary notes and any other moneys appropriated thereto
5 by the governing body of the district shall be credited to such funds or
6 accounts. Such funds or accounts shall be used solely to pay the costs
7 incurred in making each respective improvement. Upon completion of
8 an improvement, the balance remaining in the fund or account
9 established for such improvement, if any, may be held as contingent
10 funds for future improvements or may be credited against the amount
11 of the original assessment of each parcel of property, on a pro rata
12 basis based on the amount of the original assessment, and with respect
13 to property owners that have prepaid their assessments in accordance
14 with sections 204.650 to 204.672, the amount of each such credit shall
15 be refunded to the appropriate property owner. With respect to all
16 other property owners, the amount of each such credit shall be
17 transferred and credited to the district bond and interest fund to be
18 used solely to pay the principal of and interest on the bonds or
19 temporary notes, and the assessments shall be reduced accordingly by
20 the amount of such credit.

204.672. Any public sanitary sewer district or reorganized sewer
2 district organized and operated under this chapter or chapter 249,
3 RSMo, and any metropolitan sewer district organized under the
4 constitution of this state, may enter into a cooperative agreement with
5 a city or county for the purpose of constructing sanitary sewer system
6 improvements under the provisions of the neighborhood improvement
7 district act, sections 67.453 to 67.475, RSMo. Any such cooperative

8 agreement, if approved by the governing bodies of the district and city
9 or county, may include provisions for joint administration of projects
10 for the issuance of temporary notes and general obligation bonds by
11 district, city, or county, separately or jointly, and for the payment of
12 such bonds by any source of funds or user fees in addition to funds
13 from special assessments as provided for in sections 67.453 to 67.475,
14 RSMo, and general ad valorem taxes, so long as all terms, conditions,
15 and covenants of any applicable bond resolution or ordinance are
16 complied with and so long as said notes and bonds are issued in
17 compliance with general applicable law.

204.674. The provisions of sections 204.600 to 204.672 shall not
2 apply to the provisions in section 204.472, any city not within a county
3 and any county with a charter form of government and with more than
4 one million inhabitants, any sewer district created and organized under
5 constitutional authority, any sewer district located in any county with
6 a charter form of government and with more than six hundred
7 thousand but fewer than seven hundred thousand inhabitants that
8 provides wholesale sewer service.

205.563. 1. The governing body of any city of the fourth
2 classification with more than two hundred but fewer than three
3 hundred inhabitants and located in any county of the second
4 classification with more than forty-eight thousand two hundred but
5 fewer than forty-eight thousand three hundred inhabitants may impose,
6 by order or ordinance, an annual real property tax to fund the
7 construction, operation, and maintenance of a community health
8 center. The tax authorized in this section shall not exceed thirty-five
9 cents per year on each one hundred dollars of assessed valuation on all
10 taxable real property within the city. Any such city may enter into an
11 agreement or agreements with taxing jurisdictions located at least
12 partially within the incorporated limits of such city to levy the tax
13 authorized under this section upon real property located within the
14 jurisdiction of such district, but outside the incorporated limits of such
15 city, provided that any taxing jurisdiction desiring to levy such tax
16 shall first receive voter approval of such measure in the manner and
17 form contained in this section. The tax authorized in this section shall
18 be in addition to all other property taxes imposed by law, and shall be
19 stated separately from all other charges and taxes.

20 2. No order or ordinance adopted under this section shall become
21 effective unless the governing body of the city submits to the voters

22 residing within such city at a state general, primary, or special election
23 a proposal to authorize the city to impose a tax under this section.

24 3. The question shall be submitted in substantially the following
25 form:

26 "Shall the city of and district (if applicable) be
27 authorized to impose a tax on owners of real property in an amount
28 equal to (insert amount not to exceed thirty-five cents) per one
29 hundred dollars assessed valuation for the purpose of constructing,
30 operating, and maintaining a community health center?

31 YES NO

32 If you are in favor of the question, place an "X" in the box opposite
33 "YES". If you are opposed to the question, place an "X" in the box
34 opposite "NO".

35 If a majority of the votes cast on the question by the qualified voters
36 voting thereon are in favor of the question, then the tax shall become
37 effective in the tax year immediately following its approval. If a
38 majority of the votes cast on the question by the qualified voters voting
39 thereon are opposed to the question, then the tax shall not become
40 effective unless and until the question is resubmitted under this section
41 to the qualified voters and such question is approved by a majority of
42 the qualified voters voting on the question.

43 4. The tax authorized under this section shall be levied and
44 collected in the same manner as other real property taxes are levied
45 and collected within the city.

46 5. The governing body of any city that has imposed a real
47 property tax under this section may submit the question of repeal of
48 the tax to the voters on any date available for elections for the city. If
49 a majority of the votes cast on the question by the qualified voters
50 voting thereon are in favor of repeal, that repeal shall become effective
51 on the first day of the tax year immediately following its approval. If
52 a majority of the votes cast on the question by the qualified voters
53 voting thereon are opposed to the repeal, then the tax shall remain
54 effective until the question is resubmitted under this section to the
55 qualified voters and the repeal is approved by a majority of the
56 qualified voters voting on the question.

57 6. Whenever the governing body of any city that has imposed a
58 real property tax under this section receives a petition, signed by a
59 number of registered voters of the city equal to at least two percent of
60 the number of registered voters of the city voting in the last

61 gubernatorial election, calling for an election to repeal the tax, the
62 governing body shall submit to the voters of such city a proposal to
63 repeal the tax. If a majority of the votes cast on the question by the
64 qualified voters voting thereon are in favor of the repeal, the repeal
65 shall become effective on the first day of the tax year immediately
66 following its approval. If a majority of the votes cast on the question
67 by the qualified voters voting thereon are opposed to the repeal, then
68 the tax shall remain effective until the question is resubmitted under
69 this section to the qualified voters and the repeal is approved by a
70 majority of the qualified voters voting on the question.

71 **7. If the real property tax authorized under this section is**
72 **repealed or terminated by any means, all funds collected under the tax**
73 **shall continue to be used solely for the designated purposes.**

206.090. 1. After the hospital district has been declared organized, the
2 declaring county commission shall divide the district into six election districts as
3 equal in population as possible, and shall by lot number the districts from one to
4 six inclusive. The county commission shall cause an election to be held in the
5 hospital district within ninety days after the order establishing the hospital
6 district to elect hospital district directors. Each voter shall vote for six directors,
7 one from each district, **except in any county of the third classification**
8 **without a township form of government and with more than ten**
9 **thousand six hundred but fewer than ten thousand seven hundred**
10 **inhabitants, each voter shall vote for one director from the hospital**
11 **election district in which the voter resides.** Directors shall serve a term of
12 six years or a lesser term of years as may be established by the county
13 commission. If directors are to serve a term of six years, the initial term of the
14 director elected from district number one shall serve a term of one year, the
15 director elected from district number two shall serve a term of two years, the
16 director elected from district number three shall serve a term of three years, the
17 director elected from district number four shall serve a term of four years, the
18 director elected from district number five shall serve a term of five years, and the
19 director elected from district number six shall serve a term of six years;
20 thereafter, the terms of all directors shall be six years. If the county commission
21 chooses to establish a term of office of less than six years, the initial election of
22 directors shall be done in a manner established by the county commission. All
23 directors shall serve until their successors are elected and qualified. Any vacancy
24 shall be filled by the remaining members of the board of directors who shall
25 appoint a person to serve as director until the next municipal election.

26 **2. Candidates for director of the hospital district shall be citizens of the**

27 United States, voters of the hospital district who have resided within the state
28 for one year next preceding the election and who are at least thirty years of age.
29 All candidates shall file their declaration of candidacy with the county
30 commission calling the election for the organizational election, and for subsequent
31 elections, with the secretary of the board of directors of the district.

32 3. Notwithstanding any other provisions of law, if the number of
33 candidates for office of director is no greater than the number of directors to be
34 elected, no election shall be held, and the candidates shall assume the
35 responsibilities of their offices at the same time and in the same manner as if
36 they had been elected.

37 4. Notwithstanding the provisions of subsections 1 to 3 of this section,
38 after the formation of the hospital district, the hospital board of directors, by a
39 majority vote of the directors with the consent of a majority of the county
40 commission on an order of record, may abolish the six hospital districts' election
41 districts and cause the hospital district directors to be elected from the hospital
42 district at large. Upon opting to elect the hospital district directors at large, the
43 then serving hospital district directors shall continue to serve the remainder of
44 their terms and any vacancies on the board, after the date of such option, shall
45 be filled by an election conducted at large in the district.

221.040. 1. It shall be the duty of the sheriff and jailer to receive, from
2 constables and other officers, all persons who shall be apprehended by such
3 constable or other officers, for offenses against this state, or who shall be
4 committed to such jail by any competent authority; and if any sheriff or jailer
5 shall refuse to receive any such person or persons, he or she shall be adjudged
6 guilty of a misdemeanor, and on conviction shall be fined in the discretion of the
7 court.

8 **2. The sheriff and jailer shall not be required to receive or detain**
9 **a prisoner in custody under subsection 1 of this section until the**
10 **arresting constable or other officer has had the prisoner examined by**
11 **a physician or competent medical personnel if the prisoner appears to**
12 **be:**

13 **(1) Unconscious;**

14 **(2) Suffering from a serious illness;**

15 **(3) Suffering from a serious injury; or**

16 **(4) Seriously impaired by alcohol, a controlled substance as**
17 **defined in section 195.017, RSMo, a drug other than a controlled**
18 **substance, or a combination of alcohol, a controlled substance, or**
19 **drugs.**

20 **3. The cost of the examination and resulting treatment under**

21 **subsection 2 of this section is the financial responsibility of the**
22 **prisoner receiving the examination or treatment.**

226.527. 1. On and after August 13, 1976, no outdoor advertising shall
2 be erected or maintained beyond six hundred and sixty feet of the right-of-way,
3 located outside of urban areas, visible from the main traveled way of the
4 interstate or primary system and erected with the purpose of its message being
5 read from such traveled way, except such outdoor advertising as is defined in
6 subdivisions (1) and (2) of section 226.520.

7 2. No compensation shall be paid for the removal of any sign erected in
8 violation of subsection 1 of this section unless otherwise authorized or permitted
9 by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which
10 would be in violation of this section if it were erected or maintained after August
11 13, 1976, shall be removed unless such removal is required by the Secretary of
12 Transportation and federal funds required to be contributed to this state under
13 section 131(g) of Title 23, United States Code, to pay compensation for such
14 removal have been appropriated and allocated and are immediately available to
15 this state, and in such event, such sign shall be removed pursuant to section
16 226.570.

17 3. In the event any portion of this chapter is found in noncompliance with
18 Title 23, United States Code, section 131, by the Secretary of Transportation or
19 his representative, and any portion of federal-aid highway funds or funds
20 authorized for removal of outdoor advertising are withheld, or declared forfeited
21 by the Secretary of Transportation or his representative, all removal of outdoor
22 advertising by the Missouri state highways and transportation commission
23 pursuant to this chapter shall cease, and shall not be resumed until such funds
24 are restored in full. Such cessation of removal shall not be construed to affect
25 compensation for outdoor advertising removed or in the process of removal
26 pursuant to this chapter.

27 4. In addition to any applicable regulations set forth in sections 226.500
28 through 226.600, signs within an area subject to control by a local zoning
29 authority and wherever located within such area shall be subject to reasonable
30 regulations of that local zoning authority relative to size, lighting, spacing, and
31 location; provided, however, that no local zoning authority shall have authority
32 to require any sign within its jurisdiction which was lawfully erected and which
33 is maintained in good repair to be removed without the payment of just
34 compensation.

35 **5. When a legally erected billboard exists on a parcel of property,**
36 **a local zoning authority shall not adopt or enforce any ordinance,**
37 **order, rule, regulation or practice that eliminates the ability of a**

38 **property owner to build or develop property or erect an on-premise**
39 **sign solely because a legally erected billboard exists on the property.**

228.110. 1. Any twelve residents of the township or townships through
2 which a road runs may make application for the vacation of any such road or part
3 of the same as useless, and the repairing of the same an unreasonable burden
4 upon the district or districts. The petition shall be publicly read on the first day
5 of the term at which it is presented, and the matter continued without further
6 proceedings until the next term.

7 2. Notice of the filing of such petition and of the road sought to be vacated
8 shall be posted up in not less than three public places in such township or
9 townships, at least twenty days before the first day of the next term of the
10 commission, and a copy of the same shall be personally served on all the persons
11 residing in the district whose lands are crossed or touched by the road proposed
12 to be vacated in the same manner as other notices are required to be served by
13 law; and at the next regular term the same shall again be publicly read on the
14 first day thereof.

15 3. If no remonstrance is made thereto in writing, signed by at least twelve
16 residents of the township, the commission may proceed to vacate such road, or
17 any part thereof, at the cost of the petitioners; but if a remonstrance thereto in
18 writing, signed by at least twelve residents of such township or townships, is
19 filed, and the commission after considering the same shall decide that it is just
20 to vacate such road, or any part thereof, against the vacation of which the
21 remonstrance was filed, the costs shall be paid by the parties remonstrating, and
22 the original costs, and damages for opening such vacated road shall be paid by
23 the petitioners to those who paid the same, except that if five years have elapsed
24 since the original opening of the same no such reimbursement shall be made.

25 **4. Notwithstanding any other provision of this section to the**
26 **contrary, in any county with a charter form of government, any twenty-**
27 **five residents of the county through which a road subject to this**
28 **section runs and who reside on any portion of such road or on another**
29 **road that intersects such road and within one mile of the right-of-way**
30 **to be vacated, may apply for the vacation of such road or part of such**
31 **road as no longer serving the public health, safety, and welfare. The**
32 **county may, by order or ordinance, provide for notice and hearing of**
33 **such petitions and for filing and hearing remonstrances against them.**

228.190. 1. All roads in this state that have been established by any
2 order of the county commission, and have been used as public highways for a
3 period of ten years or more, shall be deemed legally established public roads; and
4 all roads that have been used as such by the public for ten years continuously,

5 and upon which there shall have been expended public money or labor for such
6 period, shall be deemed legally established roads; and nonuse by the public for
7 five years continuously of any public road shall be deemed an abandonment and
8 vacation of the same.

9 2. From and after January 1, 1990, any road in any county that has been
10 identified as a county road for which the county receives allocations of county aid
11 road trust funds from or through the department of transportation for a period
12 of at least five years shall be conclusively deemed to be a public county road
13 without further proof of the status of the road as a public road. No such public
14 road shall be abandoned or vacated except through the actions of the county
15 commission declaring such road vacated after public hearing, or through the
16 process set out in section 228.110.

17 **3. In any litigation where the subject of a public road is at issue**
18 **under this section, an exact location of the road is not required to be**
19 **proven. Once the public road is determined to exist, the judge may**
20 **order a survey to be conducted to determine the exact location of the**
21 **public road and charge the costs of the survey to the party who**
22 **asserted that the public road exists.**

235.210. 1. The boundaries of any district organized under the provisions
2 of this law may be changed in the manner prescribed in this section and in
3 section 235.220, but any change of boundaries of the district shall not impair or
4 affect its organization or its rights in or to property, or any of its rights or
5 privileges whatsoever; or shall it affect or impair or discharge any contract,
6 obligation, lien or charge for or upon which it might be liable or chargeable had
7 the change of boundaries not been made.

8 2. [Two-thirds of the owners of real property in an area contiguous with
9 a street light maintenance district organized under this law and not located
10 within any municipality or another street light maintenance district may file with
11 the board a petition in writing praying that the real property be included within
12 the district. The petition shall describe the property to be annexed and shall be
13 deemed to give assent of the petitioners to the inclusion in the district of the
14 property described in the petition.

15 3. The secretary of the board shall cause notice of the filing of the petition
16 to be given and published in the county in which the property is located, which
17 notice shall recite the filing of the petition, the names of the petitioners, the
18 descriptions of the lands sought to be included and the prayer of the petitioners,
19 giving notice to all persons interested to appear at the office of the board at the
20 time named in the notice and show cause in writing, if any they have, why the
21 petition should not be granted.

22 4. The board shall at the time and place mentioned, or at such time or
23 times to which the hearing may be adjourned, proceed to hear the petition and
24 all objections thereto presented in writing by any person showing cause why the
25 petition should not be granted. The failure of any person interested to show
26 cause in writing why the petition shall not be granted shall be deemed and held
27 and taken as an assent on his part to the inclusion of the lands in the district as
28 prayed for in the petition.

29 5. If the petition is granted, the board shall make an order to that effect
30 and file the same with the county clerk; and upon the order of the county
31 commission, the property shall be included in the district, and thereafter a copy
32 of the order of the board and the order of the commission shall be filed with the
33 recorder. The county commission shall proceed to make the order including such
34 additional property within the district as is provided in the order of the board,
35 unless the commission shall find that the order of the board was not authorized
36 by law or that the order of the board was not supported by competent and
37 substantial evidence.] **A petition for annexation of real property in an
38 area contiguous with a street light maintenance district organized
39 under this chapter and not located within any municipality or another
40 street light maintenance district shall be signed by property owners
41 who own not less than ten percent of the parcels of property within the
42 area proposed for annexation. The petition shall be filed with the
43 county clerk in which the district is situated and shall be addressed to
44 the county commission. A hearing shall be held regarding the proposed
45 annexation petition as soon as reasonably possible. If the county
46 commission finds at the hearing that the petition is in compliance with
47 the provisions of this section, they shall order the question to be
48 submitted to the voters within the proposed area of annexation and
49 within the district at a municipal, primary, or general election.**

50 3. The question shall be submitted in substantially the following
51 form:

52 "Shall....(description of area) be annexed to thestreet light
53 maintenance district?"

54 YES NO

55 If you are in favor of the question, place an "X" in the box opposite
56 "Yes". If you are opposed to the question, place an "X" in the box
57 opposite "No".

58 4. If a majority of the votes cast on the question in the district
59 and in the area described in the petition, respectively, are in favor of
60 the annexation, the county commission shall by order declare the area

61 **annexed and shall describe the altered boundaries of the district. A**
62 **copy of the order of the commission shall be filed within the county**
63 **recorder. If a majority of the votes cast on the question in the district**
64 **and in the area described in the petition, respectively, are not in favor**
65 **of the annexation, such area shall not be declared annexed. No such**
66 **question shall be resubmitted to the voters sooner than twelve months**
67 **from the date of submission of the last question.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms
2 mean:

3 (1) "Board", the board of directors of a district;

4 (2) "Commission", the Missouri highways and transportation commission;

5 (3) "District", a transportation development district organized under
6 sections 238.200 to 238.275;

7 (4) "Local transportation authority", a county, city, town, village, county
8 highway commission, special road district, interstate compact agency, or any local
9 public authority or political subdivision having jurisdiction over any bridge,
10 street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail
11 or other transit improvement or service;

12 (5) "Project" includes any bridge, street, road, highway, access road,
13 interchange, intersection, signing, signalization, parking lot, bus stop, station,
14 garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port,
15 airport, railroad, light rail, or other mass transit and any similar or related
16 improvement or infrastructure.

17 2. For the purposes of sections 11(c), 16 and 22 of article X of the
18 Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200
19 to 238.275, the following terms shall have the meanings given:

20 (1) "Approval of the required majority" or "direct voter approval", a simple
21 majority;

22 (2) "Qualified electors", "qualified voters" or "voters", [if] **within the**
23 **proposed or established district**, any persons [eligible to be registered voters
24 reside within the proposed district, such persons] **residing therein** who have
25 registered to vote pursuant to chapter 115, RSMo, [or if no persons eligible to be
26 registered voters reside within the proposed district,] **and** the owners of real
27 property [located within the proposed district], **who shall receive one vote**
28 **per acre, provided that any registered voter who also owns property**
29 **must elect whether to vote as an owner or a registered voter;**

30 (3) "Registered voters", persons qualified and registered to vote pursuant
31 to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than

2 fifty registered voters from each county partially or totally within the proposed
3 district may file a petition requesting the creation of a district. However, if no
4 persons eligible to be registered voters reside within the district, the owners of
5 record of all of the real property, except public streets, located within the
6 proposed district may file a petition requesting the creation of a district. The
7 petition shall be filed in the circuit court of any county partially or totally within
8 the proposed district.

9 2. Alternatively, the governing body of any local transportation authority
10 within any county in which a proposed project may be located may file a petition
11 in the circuit court of that county, requesting the creation of a district.

12 3. The proposed district area shall be contiguous and may contain all or
13 any portion of one or more municipalities and counties; provided:

14 (1) Property separated only by public streets, easements or rights-of-way
15 shall be considered contiguous;

16 (2) In the case of a district formed pursuant to a petition filed by the
17 owners of record of all of the real property located within the proposed district,
18 the proposed district area need not contain contiguous properties if:

19 (a) The petition provides that the only funding method for project costs
20 will be a sales tax;

21 (b) The court finds that all of the real property located within the
22 proposed district will benefit by the projects to be undertaken by the district; and

23 (c) Each parcel within the district is within five miles of every other
24 parcel; and

25 (3) In the case of a district created pursuant to subsection 5 of this
26 section, property separated only by public streets, easements, or rights-of-way or
27 connected by a single public street, easement, or right-of-way shall be considered
28 contiguous.

29 4. The petition shall set forth:

30 (1) The name, voting residence and county of residence of each individual
31 petitioner, or, if no persons eligible to be registered voters reside within the
32 proposed district, the name and address of each owner of record of real property
33 located within the proposed district, or shall recite that the petitioner is the
34 governing body of a local transportation authority acting in its official capacity;

35 (2) The name and address of each respondent. Respondents must include
36 the commission and each affected local transportation authority within the
37 proposed district, except a petitioning local transportation authority;

38 (3) A specific description of the proposed district boundaries including a
39 map illustrating such boundaries;

40 (4) A general description of each project proposed to be undertaken by

41 that district, including a description of the approximate location of each project;

42 (5) **The estimated project costs and the anticipated revenues to**

43 **be collected from the project;**

44 (6) The name of the proposed district;

45 [(6)] (7) The number of members of the board of directors of the proposed

46 district, which shall be not less than five or more than fifteen;

47 [(7)] (8) A statement that the terms of office of initial board members

48 shall be staggered in approximately equal numbers to expire in one, two or three

49 years;

50 [(8)] (9) If the petition was filed by registered voters or by a governing

51 body, a request that the question be submitted to the qualified voters within the

52 limits of the proposed district whether they will establish a transportation

53 development district to develop a specified project or projects;

54 [(9)] (10) A proposal for funding the district initially, pursuant to the

55 authority granted in sections 238.200 to 238.275, together with a request that the

56 funding proposal be submitted to the qualified voters [residing] within the limits

57 of the proposed district; provided, however, the funding method of special

58 assessments may also be approved as provided in subsection 1 of section 238.230;

59 and

60 [(10)] (11) A statement that the proposed district shall not be an undue

61 burden on any owner of property within the district and is not unjust or

62 unreasonable.

63 5. (1) As an alternative to the methods described in subsections 1 and 2

64 of this section, if two or more local transportation authorities have adopted

65 resolutions calling for the joint establishment of a district, the governing body of

66 any one such local transportation authority may file a petition in the circuit court

67 of any county in which the proposed project is located requesting the creation of

68 a district.

69 (2) The proposed district area shall be contiguous and may contain all or

70 any portion of one or more municipalities and counties. Property separated only

71 by public streets, easements, or rights-of-way or connected by a single public

72 street, easement, or right-of-way shall be considered contiguous.

73 (3) The petition shall set forth:

74 (a) That the petitioner is the governing body of a local transportation

75 authority acting in its official capacity;

76 (b) The name of each local transportation authority within the proposed

77 district. The resolution of the governing body of each local transportation

78 authority calling for the joint establishment of the district shall be attached to

79 the petition;

80 (c) The name and address of each respondent. Respondents must include
81 the commission and each affected local transportation authority within the
82 proposed district, except a petitioning local transportation authority;

83 (d) A specific description of the proposed district boundaries including a
84 map illustrating such boundaries;

85 (e) A general description of each project proposed to be undertaken by the
86 district, including a description of the approximate location of each project;

87 (f) The name of the proposed district;

88 (g) The number of members of the board of directors of the proposed
89 district;

90 (h) A request that the question be submitted to the qualified voters within
91 the limits of the proposed district whether they will establish a transportation
92 development district to develop the projects described in the petition;

93 (i) A proposal for funding the district initially, pursuant to the authority
94 granted in sections 238.200 to 238.275, together with a request that the
95 imposition of the funding proposal be submitted to the qualified voters residing
96 within the limits of the proposed district; provided, however, the funding method
97 of special assessments may also be approved as provided in subsection 1 of
98 section 238.230; and

99 (j) A statement that the proposed district shall not be an undue burden
100 on any owner of property within the district and is not unjust or unreasonable.

238.208. 1. The owners of property adjacent to a transportation district
2 formed under the Missouri transportation development district act may petition
3 the court by unanimous petition to add their property to the district. If the
4 property owners within the transportation development district unanimously
5 approve of the addition of property, the adjacent properties in the petition shall
6 be added to the district. Any property added under this section shall be subject
7 to all projects, taxes, and special assessments in effect as of the date of the court
8 order adding the property to the district. The owners of the added property shall
9 be allowed to vote at the next election scheduled for the district to fill vacancies
10 on the board and on any other question submitted to them by the board under
11 this chapter. The owners of property added under this section shall have one vote
12 per acre in the same manner as provided in subdivision (2) of subsection 2 of
13 section 238.220.

14 **2. The owners of all of the property located in a transportation**
15 **development district formed under this chapter may, by unanimous**
16 **petition filed with the board of directors of the district, remove any**
17 **property from the district, so long as such removal will not materially**
18 **affect any obligations of the district.**

238.220. 1. Notwithstanding anything to the contrary contained in section
2 238.216, if any persons eligible to be registered voters reside within the district
3 the following procedures shall be followed:

4 (1) After the district has been declared organized, the court shall upon
5 petition of any interested person order the county clerk to cause an election to be
6 held in all areas of the district within one hundred twenty days after the order
7 establishing the district, to elect the district board of directors which shall be not
8 less than five nor more than fifteen;

9 (2) Candidates shall pay the sum of five dollars as a filing fee to the
10 county clerk and shall file with the election authority of such county a statement
11 under oath that he or she possesses all of the qualifications set out in this section
12 for a director. Thereafter, such candidate shall have his or her name placed on
13 the ballot as a candidate for director;

14 (3) The director or directors to be elected shall be elected at large. The
15 candidate receiving the most votes from qualified voters shall be elected to the
16 position having the longest term, the second highest total votes elected to the
17 position having the next longest term, and so forth. Each initial director shall
18 serve the one-, two- or three-year term to which he or she was elected, and until
19 a successor is duly elected and qualified. Each successor director shall serve a
20 three-year term. The directors shall nominate and elect an interim director to
21 complete any unexpired term of a director caused by resignation or
22 disqualification; and

23 (4) Each director shall be a resident of the district. Directors shall be
24 registered voters at least twenty-one years of age.

25 2. Notwithstanding anything to the contrary contained in section 238.216,
26 if no persons eligible to be registered voters reside within the district, the
27 following procedures shall apply:

28 (1) Within thirty days after the district has been declared organized, the
29 circuit clerk of the county in which the petition was filed shall, upon giving notice
30 by causing publication to be made once a week for two consecutive weeks in a
31 newspaper of general circulation in the county, the last publication of which shall
32 be at least ten days before the day of the meeting required by this section, call a
33 meeting of the owners of real property within the district at a day and hour
34 specified in a public place in the county in which the petition was filed for the
35 purpose of electing a board of not less than five and not more than fifteen
36 directors, to be composed of owners or representatives of owners of real property
37 in the district; provided that, if all the owners of property in the district joined
38 in the petition for formation of the district, such meeting may be called by order
39 of the court without further publication. **For the purposes of determining**

40 **board membership, the owner or owners of real property within the**
41 **district and their legally authorized representative or representatives**
42 **shall be deemed to be residents of the district; for business**
43 **organizations and other entities owning real property within the**
44 **district, the individual or individuals legally authorized to represent**
45 **the business organizations or entities in regard to the district shall be**
46 **deemed to be a resident of the district;**

47 (2) The property owners, when assembled, shall organize by the election
48 of a chairman and secretary of the meeting who shall conduct the election. At the
49 election, each acre of real property within the district shall represent one share,
50 and each owner may have one vote in person or by proxy for every acre of real
51 property owned by such person within the district;

52 (3) The one-third of the initial board members receiving the most votes
53 shall be elected to positions having a term of three years. The one-third of initial
54 board members receiving the next highest number of votes shall be elected to
55 positions having a term of two years. The lowest one-third of initial board
56 members receiving sufficient votes shall be elected to positions having a term of
57 one year. Each initial director shall serve the term to which he or she was
58 elected, and until a successor is duly elected and qualified. Successor directors
59 shall be elected in the same manner as the initial directors at a meeting of the
60 real property owners called by the board. Each successor director shall serve a
61 three-year term. The directors shall nominate and elect an interim director to
62 complete any unexpired term of a director caused by resignation or
63 disqualification;

64 (4) Directors shall be at least twenty-one years of age.

65 3. Notwithstanding any provision of section 238.216 and this section to
66 the contrary, if the petition for formation of the district was filed pursuant to
67 subsection 5 of section 238.207, the following procedures shall be followed:

68 (1) If the district is comprised of four or more local transportation
69 authorities, the board of directors shall consist of the presiding officer of each
70 local transportation authority within the district. If the district is comprised of
71 two or three local transportation authorities, the board of directors shall consist
72 of the presiding officer of each local transportation authority within the district
73 and one person designated by the governing body of each local transportation
74 authority within the district;

75 (2) Each director shall be at least twenty-one years of age and a resident
76 or property owner of the local transportation authority the director represents. A
77 director designated by the governing body of a local transportation authority may
78 be removed by such governing body at any time with or without cause; and

79 (3) Upon the assumption of office of a new presiding officer of a local
80 transportation authority, such individual shall automatically succeed his
81 predecessor as a member of the board of directors. Upon the removal, resignation
82 or disqualification of a director designated by the governing body of a local
83 transportation authority, such governing body shall designate a successor
84 director.

85 4. The commission shall appoint one or more advisors to the board, who
86 shall have no vote but shall have the authority to participate in all board
87 meetings and discussions, whether open or closed, and shall have access to all
88 records of the district and its board of directors.

89 5. If the proposed project is not intended to be merged into the state
90 highways and transportation system under the commission's jurisdiction, the local
91 transportation authority that will assume maintenance of the project shall
92 appoint one or more advisors to the board of directors who shall have the same
93 rights as advisors appointed by the commission.

94 6. Any county or counties located wholly or partially within the district
95 which is not a "local transportation authority" pursuant to subdivision (4) of
96 subsection 1 of section 238.202 may appoint one or more advisors to the board
97 who shall have the same rights as advisors appointed by the commission.

238.225. 1. Before construction or funding of any project, the district
2 shall submit the proposed project, [together with the proposed plans and
3 specifications,] to the commission for its prior approval [of the project]. If the
4 commission by minute finds that the project will improve or is a necessary or
5 desirable extension of the state highways and transportation system, the
6 commission may **preliminarily** approve the project subject to the district
7 **providing plans and specifications for the proposed project and** making
8 any revisions in the plans and specifications required by the commission and the
9 district and commission entering into a mutually satisfactory agreement
10 regarding development and future maintenance of the project. **After such**
11 **preliminary approval, the district may impose and collect such taxes**
12 **and assessments as may be included in the commission's preliminary**
13 **approval.** After the commission approves the final construction plans and
14 specifications, the district shall obtain prior commission approval of any
15 modification of such plans or specifications.

16 2. If the proposed project is not intended to be merged into the state
17 highways and transportation system under the commission's jurisdiction, the
18 district shall also submit the proposed project and proposed plans and
19 specifications to the local transportation authority that will become the owner of
20 the project for its prior approval.

21 3. In those instances where a local transportation authority is required
 22 to approve a project and the commission determines that it has no direct interest
 23 in that project, the commission may decline to consider the project. Approval of
 24 the project shall then vest exclusively with the local transportation authority
 25 subject to the district making any revisions in the plans and specifications
 26 required by the local transportation authority and the district and the local
 27 transportation authority entering into a mutually satisfactory agreement
 28 regarding development and future maintenance of the project. After the local
 29 transportation authority approves the final construction plans and specifications,
 30 the district shall obtain prior approval of the local transportation authority before
 31 modifying such plans or specifications.

238.230. 1. If approved by:

2 (1) A majority of the qualified voters voting on the question in the district;
 3 or

4 (2) The owners of record of all of the real property located within the
 5 district who shall indicate their approval by signing a special assessment petition;
 6 the district may make one or more special assessments for those project
 7 improvements which specially benefit the properties within the
 8 district. Improvements which may confer special benefits within a district
 9 include but are not limited to improvements which are intended primarily to
 10 serve traffic originating or ending within the district, to reduce local traffic
 11 congestion or circuitry of travel, or to improve the safety of motorists or
 12 pedestrians within the district.

13 2. The ballot question shall be substantially in the following form:

14 Shall the Transportation Development District be authorized to
 15 levy special assessments against property benefited within the district for the
 16 purpose of providing revenue for the development of a project (or projects) in the
 17 district (insert general description of the project or projects, if necessary), said
 18 special assessments to be levied ratably against each tract, lot or parcel of
 19 property within the district which is benefited by such project in proportion to the
 20 (insert method of allocating special assessments), in an amount not to exceed \$
 21 per annum per (insert unit of measurement)?

22 3. The special assessment petition shall be substantially in the following
 23 form:

24 The Transportation Development District shall be
 25 authorized to levy special assessments against property benefited within the
 26 district for the purpose of providing revenue for the development of a project (or
 27 projects) in the district (insert general description of the project or projects, if
 28 necessary), said special assessments to be levied pro rata against each tract, lot

29 or parcel or property within the district which is benefited by such project in
30 proportion to the (insert method of allocating special assessments), in an amount
31 not to exceed \$..... per annum per (insert unit of measurement).

32 4. If a proposal for making a special assessment fails, the district board
33 of directors may, with the prior approval of the commission or the local
34 transportation authority which will assume ownership of the completed project,
35 delete from the project any portion which was to be funded by special assessment
36 and which is not otherwise required for project integrity.

37 **5. A district may establish different classes or subclasses of real**
38 **property within the district for purposes of levying differing rates of**
39 **special assessments. The levy rate for special assessments may vary for**
40 **each class or subclass of real property based on the level of benefit**
41 **derived by each class or subclass from projects funded by the district.**

238.275. 1. Within six months after development and initial maintenance
2 costs of its completed project have been paid, the district shall pursuant to
3 contract transfer ownership and control of the project to the commission or a local
4 transportation authority which shall be responsible for all future maintenance
5 costs pursuant to contract. **Such transfer may be made sooner with the**
6 **consent of the recipient.**

7 2. At such time as a district has completed its project and has transferred
8 ownership of the project to the commission or other local transportation authority
9 for maintenance, or at such time as the board determines that it is unable to
10 complete its project due to lack of funding or for any other reason, the board shall
11 submit for a vote in an election held throughout the district the question of
12 whether the district should be abolished. The question shall be submitted in
13 substantially the following form:

14 Shall the Transportation Development District
15 be abolished?

16 3. The district board shall not propose the question to abolish the district
17 while there are outstanding claims or causes of action pending against the
18 district, while the district liabilities exceed its assets, or while the district is
19 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior
20 to submitting the question to abolish the district to a vote, the state auditor shall
21 audit the district to determine the financial status of the district, and whether
22 the district may be abolished pursuant to law.

23 4. While the district still exists, it shall continue to accrue all revenues
24 to which it is entitled at law.

25 5. Upon receipt of certification by the appropriate election authorities that
26 the majority of those voting within the district have voted to abolish the district,

27 and if the state auditor has determined that the district's financial condition is
28 such that it may be abolished pursuant to law, then the board shall:

29 (1) Sell any remaining district real or personal property it wishes, and
30 then transfer the proceeds and any other real or personal property owned by the
31 district, including revenues due and owing the district, to the commission or any
32 appropriate local transportation authority assuming maintenance and control of
33 the project, for its further use and disposition;

34 (2) Terminate the employment of any remaining district employees, and
35 otherwise conclude its affairs;

36 (3) At a public meeting of the district, declare by a majority vote that the
37 district has been abolished effective that date; and

38 (4) Cause copies of that resolution under seal to be filed with the
39 secretary of state, the director of revenue, the commission, and with each local
40 transportation authority affected by the district. Upon the completion of the final
41 act specified in this subsection, the legal existence of the district shall cease.

246.005. 1. Notwithstanding any other provision of law, any drainage
2 district, any levee district, or any drainage and levee district organized under the
3 provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280,
4 RSMo, which has, prior to April 8, 1994, been granted an extension of the time
5 of corporate existence by the circuit court having jurisdiction, shall be deemed to
6 have fully complied with all provisions of law relating to such extensions,
7 including the time within which application for the extension must be made,
8 unless, for good cause shown, the circuit court shall set aside such extension
9 within ninety days after April 8, 1994.

10 2. Notwithstanding any other provision of law, any drainage district, any
11 levee district, or any drainage and levee district organized under the provisions
12 of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall
13 have **[five] ten** years after the lapse of the corporate charter in which to reinstate
14 and extend the time of the corporate existence by the circuit court having
15 jurisdiction, and such circuit court judgment entry and order shall be deemed to
16 have fully complied with all provisions of law relating to such extensions.

247.060. 1. The management of the business and affairs of the district is
2 hereby vested in a board of directors, who shall have all the powers conferred
3 upon the district except as herein otherwise provided, who shall serve without
4 pay. It shall be composed of five members, each of whom shall be a voter of the
5 district and shall have resided in said district one whole year immediately prior
6 to his election. A member shall be at least twenty-five years of age and shall not
7 be delinquent in the payment of taxes at the time of his election. Except as
8 provided in subsection 2 of this section, the term of office of a member of the

9 board shall be three years. The remaining members of the board shall appoint
10 a qualified person to fill any vacancy on the board. If no qualified person who
11 lives in the subdistrict for which there is a vacancy is willing to serve on the
12 board, the board may appoint an otherwise qualified person, who lives in the
13 district but not in the subdistrict in which the vacancy exists to fill such vacancy.

14 2. After notification by certified mail that he or she has two consecutive
15 unexcused absences, any member of the board failing to attend the meetings of
16 the board for three consecutive regular meetings, unless excused by the board for
17 reasons satisfactory to the board, shall be deemed to have vacated the seat, and
18 the secretary of the board shall certify that fact to the board. The vacancy shall
19 be filled as other vacancies occurring in the board.

20 3. The initial members of the board shall be appointed by the circuit court
21 and one shall serve until the immediately following first Tuesday after the first
22 Monday in June, two shall serve until the first Tuesday after the first Monday in
23 June on the second year following their appointment and the remaining
24 appointees shall serve until the first Tuesday after the first Monday in June on
25 the third year following their appointment. On the expiration of such terms and
26 on the expiration of any subsequent term, elections shall be held as otherwise
27 provided by law, and such elections shall be held in April pursuant to section
28 247.180.

29 4. **In 2008, 2009, and 2010, directors elected in such years shall**
30 **serve from the first Tuesday after the first Monday in June until the**
31 **first Tuesday in April of the third year following the year of their**
32 **election. All directors elected thereafter shall serve from the first**
33 **Tuesday in April until the first Tuesday in April of the third year**
34 **following the year of their election.**

260.830. 1. Any county of the third classification or any county of the
2 second classification with more than forty-eight thousand two hundred but less
3 than forty-eight thousand three hundred inhabitants or any county of the fourth
4 classification with more than forty-eight thousand two hundred but less than
5 forty-eight thousand three hundred inhabitants may **or any county of the first**
6 **classification with more than one hundred four thousand six hundred**
7 **but fewer than one hundred four thousand seven hundred inhabitants,**
8 by a majority vote of its governing body, impose a landfill fee pursuant to this
9 section and section 260.831, for the benefit of the county. No order or ordinance
10 enacted pursuant to the authority granted by this section shall be effective unless
11 the governing body of the county submits to the qualified voters of the county, at
12 a public election, a proposal to authorize the governing body of the county to
13 impose a fee under the provisions of this section. The ballot of submission shall

14 be in substantially the following form:

15 Shall the county of (insert name of county) impose a landfill
16 fee of (insert amount of fee per ton or volumetric equivalent of solid
17 waste)?

18 YES NO

19 If a majority of the votes cast on the proposal by the qualified voters voting
20 thereon are in favor of the proposal, then the order or ordinance and any
21 amendments thereto shall become effective on the first day of the calendar
22 quarter immediately after such election results are certified. If a majority of the
23 votes cast by the qualified voters voting are opposed to the proposal, then the
24 governing body of the county shall have no power to impose the fee authorized by
25 this section unless and until the governing body of the county shall again have
26 submitted another proposal to authorize the governing body of the county to
27 impose such fee, and the proposal is approved by a majority of the qualified
28 voters voting thereon. If an economic development authority does not exist in a
29 county at the time that a landfill fee is adopted by such county under this section,
30 then the governing body of such county shall establish an economic development
31 authority in the county.

32 2. The landfill fee authorized by such an election may not exceed one
33 dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted,
34 which charge may be in addition to any such fee currently imposed pursuant to
35 the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill
2 in any county wherein a landfill fee has been approved by the voters pursuant to
3 section 260.830 shall collect a charge equal to the charge authorized by the voters
4 in such election, not to exceed one dollar and fifty cents per ton or its volumetric
5 equivalent of solid waste accepted. Such fee shall be collected in addition to any
6 fee authorized or imposed pursuant to the provisions of section 260.330, and shall
7 be paid to such operator by all political subdivisions, municipalities, corporations,
8 entities or persons disposing of solid waste or demolition waste, whether pursuant
9 to contract or otherwise, and notwithstanding that any such contract may provide
10 for collection, transportation and disposal of such waste at a fixed fee. Any such
11 contract providing for collections, transportation and disposal of such waste at a
12 fixed fee which is in force on August 28, [2003] **2007**, shall be renegotiated by the
13 parties to the contract to include the additional fee imposed by this section. Each
14 such operator shall submit the charge, less collection costs, to the governing body
15 of the county, which shall dedicate such funds for use by the industrial
16 development authority within the county and such funds shall be used by the
17 county commission or authority for economic development within the

18 county. Collection costs shall be the same as established by the department of
19 natural resources pursuant to section 260.330, and shall not exceed two percent
20 of the amount collected pursuant to this section.

21 2. The charges established in this section shall be enumerated separately
22 from any disposal fee charged by the landfill. After January 1, 1994, the fee
23 authorized under section 260.830 and this section shall be stated as a separate
24 surcharge on each individual solid waste collection customer's invoice and shall
25 also indicate whether the county commission or economic development authority
26 receives the funds. Moneys transmitted to the governing body of the county shall
27 be no less than the amount collected less collection costs and in a form, manner
28 and frequency as the governing body may prescribe. Failure to collect such
29 charge shall not relieve the operator from responsibility for transmitting an
30 amount equal to the charge to the governing body.

 302.010. Except where otherwise provided, when used in this chapter, the
2 following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used
5 for carrying freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral
7 deposited to secure a defendant's appearance in court, which forfeiture has not
8 been vacated, shall be equivalent to a conviction, except that when any conviction
9 as a result of which points are assessed pursuant to section 302.302 is appealed,
10 the term "conviction" means the original judgment of conviction for the purpose
11 of determining the assessment of points, and the date of final judgment affirming
12 the conviction shall be the date determining the beginning of any license
13 suspension or revocation pursuant to section 302.304;

14 (4) "Director", the director of revenue acting directly or through the
15 director's authorized officers and agents;

16 (5) "Farm tractor", every motor vehicle designed and used primarily as a
17 farm implement for drawing plows, mowing machines and other implements of
18 husbandry;

19 (6) "Highway", any public thoroughfare for vehicles, including state roads,
20 county roads and public streets, avenues, boulevards, parkways, or alleys in any
21 municipality;

22 (7) "Incompetent to drive a motor vehicle", a person who has become
23 physically incapable of meeting the prescribed requirements of an examination
24 for an operator's license, or who has been adjudged by a probate division of the
25 circuit court in a capacity hearing of being incapacitated;

26 (8) "License", a license issued by a state to a person which authorizes a

27 person to operate a motor vehicle;

28 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively
29 upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

30 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this
31 definition shall not include motorized bicycles as defined in section 301.010,
32 RSMo;

33 (11) "Motortricycle", a motor vehicle operated on three wheels, including
34 a motorcycle operated with any conveyance, temporary or otherwise, requiring the
35 use of a third wheel;

36 (12) "Moving violation", that character of traffic violation where at the
37 time of violation the motor vehicle involved is in motion, except that the term
38 does not include the driving of a motor vehicle without a valid motor vehicle
39 registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive,
40 relating to sizes and weights of vehicles;

41 (13) "Municipal court", every division of the circuit court having original
42 jurisdiction to try persons for violations of city ordinances;

43 (14) "Nonresident", every person who is not a resident of this state;

44 (15) "Operator", every person who is in actual physical control of a motor
45 vehicle upon a highway;

46 (16) "Owner", a person who holds the legal title of a vehicle or in the event
47 a vehicle is the subject of an agreement for the conditional sale or lease thereof
48 with the right of purchase upon performance of the conditions stated in the
49 agreement and with an immediate right of possession vested in the conditional
50 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,
51 then such conditional vendee or lessee or mortgagor shall be deemed the owner
52 for the purpose of sections 302.010 to 302.540;

53 (17) "Record" includes, but is not limited to, papers, documents, facsimile
54 information, microphotographic process, electronically generated or electronically
55 recorded information, digitized images, deposited or filed with the department of
56 revenue;

57 (18) "**Residence address**", **residence, or resident address shall be**
58 **the location at which a person has been physically present, and that the**
59 **person regards as home. A residence address is a person's true, fixed,**
60 **principal, and permanent home, to which a person intends to return**
61 **and remain, even though currently residing elsewhere;**

62 (19) "Restricted driving privilege", a driving privilege issued by the
63 director of revenue following a suspension of driving privileges for the limited
64 purpose of driving in connection with the driver's business, occupation,
65 employment, formal program of secondary, postsecondary or higher education, or

66 for an alcohol education or treatment program;

67 [(19)] **(20)** "School bus", when used in sections 302.010 to 302.540, means
68 any motor vehicle, either publicly or privately owned, used to transport students
69 to and from school, or to transport pupils properly chaperoned to and from any
70 place within the state for educational purposes. The term "school bus" shall not
71 include a bus operated by a public utility, municipal corporation or common
72 carrier authorized to conduct local or interstate transportation of passengers
73 when such bus is not traveling a specific school bus route but is:

74 (a) On a regularly scheduled route for the transportation of fare-paying
75 passengers; or

76 (b) Furnishing charter service for the transportation of persons enrolled
77 as students on field trips or other special trips or in connection with other special
78 events;

79 [(20)] **(21)** "School bus operator", an operator who operates a school bus
80 as defined in subdivision [(19)] **(20)** of this section in the transportation of any
81 schoolchildren and who receives compensation for such service. The term "school
82 bus operator" shall not include any person who transports schoolchildren as an
83 incident to employment with a school or school district, such as a teacher, coach,
84 administrator, secretary, school nurse, or janitor unless such person is under
85 contract with or employed by a school or school district as a school bus operator;

86 [(21)] **(22)** "Signature", any method determined by the director of revenue
87 for the signing, subscribing or verifying of a record, report, application, driver's
88 license, or other related document that shall have the same validity and
89 consequences as the actual signing by the person providing the record, report,
90 application, driver's license or related document;

91 [(22)] **(23)** "Substance abuse traffic offender program", a program
92 certified by the division of alcohol and drug abuse of the department of mental
93 health to provide education or rehabilitation services pursuant to a professional
94 assessment screening to identify the individual needs of the person who has been
95 referred to the program as the result of an alcohol- or drug-related traffic
96 offense. Successful completion of such a program includes participation in any
97 education or rehabilitation program required to meet the needs identified in the
98 assessment screening. The assignment recommendations based upon such
99 assessment shall be subject to judicial review as provided in subsection 13 of
100 section 302.304 and subsections 1 and 5 of section 302.540;

101 [(23)] **(24)** "Vehicle", any mechanical device on wheels, designed
102 primarily for use, or used on highways, except motorized bicycles, vehicles
103 propelled or drawn by horses or human power, or vehicles used exclusively on
104 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by

105 handicapped persons.

320.097. 1. As used in this section, "fire department" means any
2 agency or organization that provides fire suppression and related
3 activities, including but not limited to fire prevention, rescue,
4 emergency medical services, hazardous material response, dispatching,
5 or special operations to a population within a fixed and legally
6 recorded geographical area.

7 2. Upon approval of the board of aldermen, no employee of a fire
8 department shall, as a condition of employment, be required to reside
9 within a fixed and legally recorded geographical area of the fire
10 department if the only public school district available to the employee
11 within such fire department's geographical area is a public school
12 district that is or has been unaccredited or provisionally accredited in
13 the last five years of such employee's employment. No charter school
14 shall be deemed a public school for purposes of this section.

15 3. No employee of a fire department who has not resided in such
16 fire department's fixed and legally recorded geographical area, or who
17 has changed such employee's residency because of conditions described
18 in subsection 2 of this section, shall as a condition of employment be
19 required to reside within the fixed and legally recorded geographical
20 area of the fire department if such school district subsequently
21 becomes fully accredited.

22 4. Unless the voters of a city not within a county vote to
23 supersede this section by the same majority needed to change the
24 charter of said city by September 1, 2008, this section shall be in force
25 for the city not within a county. In addition, any employee who resides
26 outside the city will forfeit one percent of his or her salary for the time
27 the employee is not living in the city to offset any lost revenue to the
28 city.

29 5. The ballot of submission for this authorization shall be in
30 substantially the following form:

31 Shall (insert name of city) be allowed to prevent fire
32 department employees from paying one percent of their salaries to the
33 city in order to reside outside the city limits when the public school
34 system is or has been unaccredited or provisionally accredited?

35 YES NO

36 If you are in favor of the question, place an "X" in the box opposite
37 "YES"> If you are opposed to the question, place an "X" in the box
38 opposite "NO".

320.106. As used in sections 320.106 to 320.161, unless clearly indicated
2 otherwise, the following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard 87-1", or
4 subsequent standard which may amend or supersede this standard for
5 manufacturers, importers and distributors of fireworks;

6 (2) "Chemical composition", all pyrotechnic and explosive composition
7 contained in fireworks devices as defined in American Pyrotechnics Association
8 (APA), Standard 87-1;

9 (3) "Consumer fireworks", explosive devices designed primarily to produce
10 visible or audible effects by combustion and includes aerial devices and ground
11 devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of
12 the United States Department of Transportation, as amended from time to time,
13 and which were formerly classified as class C common fireworks by regulation of
14 the United States Department of Transportation;

15 (4) "Discharge site", the area immediately surrounding the fireworks
16 mortars used for an outdoor fireworks display;

17 (5) **"Dispenser", a device designed for the measurement and**
18 **delivery of liquids as fuel;**

19 (6) "Display fireworks", explosive devices designed primarily to produce
20 visible or audible effects by combustion, deflagration or detonation. This term
21 includes devices containing more than two grains (130 mg) of explosive
22 composition intended for public display. These devices are classified as fireworks,
23 UNO335, 1.3G by regulation of the United States Department of Transportation,
24 as amended from time to time, and which were formerly classified as class B
25 display fireworks by regulation of the United States Department of
26 Transportation;

27 [(6)] (7) "Display site", the immediate area where a fireworks display is
28 conducted, including the discharge site, the fallout area, and the required
29 separation distance from mortars to spectator viewing areas, but not spectator
30 viewing areas or vehicle parking areas;

31 [(7)] (8) "Distributor", any person engaged in the business of selling
32 fireworks to wholesalers, jobbers, seasonal retailers, other persons, or
33 governmental bodies that possess the necessary permits as specified in sections
34 320.106 to 320.161, including any person that imports any fireworks of any kind
35 in any manner into the state of Missouri;

36 [(8)] (9) "Fireworks", any composition or device for producing a visible,
37 audible, or both visible and audible effect by combustion, deflagration, or
38 detonation and that meets the definition of consumer, proximate, or display
39 fireworks as set forth by 49 CFR Part 171 to end, United States Department of

40 Transportation hazardous materials regulations, and American Pyrotechnics
41 Association 87-1 standards;

42 [(9)] (10) "Fireworks season", the period beginning on the twentieth day
43 of June and continuing through the tenth day of July of the same year and the
44 period beginning on the twentieth day of December and continuing through the
45 second day of January of the next year, which shall be the only periods of time
46 that seasonal retailers may be permitted to sell consumer fireworks;

47 [(10)] (11) "Jobber", any person engaged in the business of making sales
48 of consumer fireworks at wholesale or retail within the state of Missouri to
49 nonlicensed buyers for use and distribution outside the state of Missouri during
50 a calendar year from the first day of January through the thirty-first day of
51 December;

52 [(11)] (12) "Licensed operator", any person who supervises, manages, or
53 directs the discharge of outdoor display fireworks, either by manual or electrical
54 means; who has met additional requirements established by promulgated rule and
55 has successfully completed a display fireworks training course recognized and
56 approved by the state fire marshal;

57 [(12)] (13) "Manufacturer", any person engaged in the making,
58 manufacture, assembly or construction of fireworks of any kind within the state
59 of Missouri;

60 [(13)] (14) "NFPA", National Fire Protection Association, an
61 international codes and standards organization;

62 [(14)] (15) "Permanent structure", buildings and structures with
63 permanent foundations other than tents, mobile homes, and trailers;

64 [(15)] (16) "Permit", the written authority of the state fire marshal
65 issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture,
66 discharge, or distribute fireworks;

67 [(16)] (17) "Person", any corporation, association, partnership or
68 individual or group thereof;

69 [(17)] (18) "Proximate fireworks", a chemical mixture used in the
70 entertainment industry to produce visible or audible effects by combustion,
71 deflagration, or detonation, as defined by the most current edition of the
72 American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific
73 requirements for theatrical pyrotechnics;

74 [(18)] (19) "Pyrotechnic operator" or "special effects operator", an
75 individual who has responsibility for pyrotechnic safety and who controls,
76 initiates, or otherwise creates special effects for proximate fireworks and who has
77 met additional requirements established by promulgated rules and has
78 successfully completed a proximate fireworks training course recognized and

79 approved by the state fire marshal;

80 [(19)] (20) "Sale", an exchange of articles of fireworks for money,
81 including barter, exchange, gift or offer thereof, and each such transaction made
82 by any person, whether as a principal proprietor, salesman, agent, association,
83 copartnership or one or more individuals;

84 [(20)] (21) "Seasonal retailer", any person within the state of Missouri
85 engaged in the business of making sales of consumer fireworks in Missouri only
86 during a fireworks season as defined by subdivision (9) of this section;

87 [(21)] (22) "Wholesaler", any person engaged in the business of making
88 sales of consumer fireworks to any other person engaged in the business of
89 making sales of consumer fireworks at retail within the state of Missouri.

320.146. 1. It shall be unlawful to expose fireworks to direct sunlight
2 through glass to the merchandise displayed, except where the fireworks are in the
3 original package. All fireworks which the public may examine shall be kept for
4 sale in original packages, except where an attendant is on duty at all times where
5 fireworks are offered for sale. Fireworks shall be kept in showcases out of the
6 reach of the public when an attendant is not on duty. One or more signs reading,
7 "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks
8 are stored or sold in letters not less than four inches in height.

9 2. Fireworks shall not be **manufactured**, stored, kept or sold within fifty
10 feet of any [gasoline pump, gasoline filling station] **motor vehicle fuel**
11 **dispensing station dispenser, retail propane dispensing station**
12 **dispenser, compressed natural gas dispensing station dispenser, gasoline**
13 **or propane** bulk station, or any building in which gasoline or volatile liquids are
14 sold in quantities in excess of one gallon. The provisions of this subsection shall
15 not apply to stores where cleaners, paints, and oils are sold in the original
16 containers to consumers.

17 3. It shall be unlawful to permit the presence of lighted cigars, cigarettes,
18 pipes, or any other open flame within twenty-five feet of where fireworks are
19 manufactured, stored, kept, or offered for sale.

20 [4. Fireworks shall not be manufactured, stored, kept or sold within one
21 hundred feet of any dispensing unit for ignitable liquids or gases.]

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the
2 context requires otherwise, the following terms mean:

3 (1) "Division", the division of fire safety created in section 320.202;

4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more
5 individuals living together as a single housekeeping unit, with cooking, living,
6 sanitary, and sleeping facilities;

7 (3) "**Fire department**", an agency or organization that provides

8 **fire suppression and related activities, including but not limited to, fire**
9 **prevention, rescue, emergency medical services, hazardous material**
10 **response, or special operation to a population within a fixed and legally**
11 **recorded geographical area. The term "fire department" shall include**
12 **any municipal fire department or any fire protection district as defined**
13 **in section 321.010, RSMo, or voluntary fire protection association as**
14 **defined in section 320.300, engaging in this type of activity;**

15 (4) "Fire loss", loss of or damage to property, or the loss of life or of
16 personal injury, by fire, lightning, or explosion;

17 [(4)] (5) "Investigator", the supervising investigators and investigators
18 appointed under sections 320.200 to 320.270;

19 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any
20 property;

21 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for
22 residential purposes and having not more than two dwelling units;

23 [(7)] (8) "Property", property of all types, both real and personal, movable
24 and immovable;

25 [(8)] (9) "State fire marshal", the state fire marshal selected under the
26 provisions of sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer
2 fire protection associations as defined in section 320.300 shall **complete and** file
3 with the state fire marshal within sixty days after [August 13, 1988] **January**
4 **1, 2008**, and annually thereafter, [the name and address of the fire protection
5 district, fire department, or volunteer fire protection association.] **a fire**
6 **department registration form provided by the state fire marshal. The**
7 **state fire marshal may issue a fire department identification number**
8 **to each registered fire protection district, fire department, or volunteer**
9 **fire protection association based upon such registration. The state fire**
10 **marshal may conduct periodic reviews of the information provided on**
11 **each fire department registration form, and may deny or revoke a fire**
12 **department identification number based upon the information**
13 **provided.**

320.310. 1. All volunteer fire protection associations [may] **as defined**
2 **in section 320.300 shall** identify the association's boundaries and file the same
3 with the county administrative body.

4 2. **Except as provided in section 320.090 and section 44.090,**
5 **RSMo, and except for state agencies that engage in fire suppression and**
6 **related activities, those fire protection districts, municipal fire**
7 **departments, and volunteer fire protection associations, as defined in**

8 section 320.300, shall be the sole provider of fire suppression and
9 related activities. For the purposes of this subsection, the term "related
10 activities" shall mean only fire prevention, rescue, hazardous material
11 response, or special operation within their legally defined boundaries.

12 3. Only upon approval by the governing body of a municipal fire
13 department, fire protection district, or volunteer fire association
14 registered with the office of the state fire marshal, as required by
15 section 320.271, shall any other association, organization, group, or
16 political subdivision be authorized to provide the fire suppression
17 response and related activities referenced in subsection 2 of this
18 section within the legally defined boundaries of any municipal fire
19 department, fire protection district, or volunteer fire association.

20 4. Any such association, group, or political subdivision denied
21 approval to operate within the established boundaries of a fire
22 department or volunteer fire association may appeal that decision
23 within thirty days of the decision to the circuit court having
24 jurisdiction for a trial de novo.

25 5. Notwithstanding the provisions of subsections 2 and 3 of this
26 section, ambulance services and districts which are or will be licensed,
27 formed, or operated under chapter 190, RSMo, may provide emergency
28 medical services and nonemergency medical transport within the
29 geographic boundaries of a fire department. Nothing in this section
30 shall supersede the provisions set forth in section 67.300, RSMo,
31 chapter 190, RSMo, or chapter 321, RSMo.

321.130. 1. A person, to be qualified to serve as a director, shall be a
2 voter of the district at least one year before the election or appointment and be
3 over the age of twenty-five years; except as provided in subsections 2 and 3 of this
4 section. **The person shall also be a resident of such fire protection**
5 **district. In the event the person is no longer a resident of the district,**
6 **the person's office shall be vacated, and the vacancy shall be filled as**
7 **provided in section 321.200.** Nominations and declarations of candidacy shall
8 be filed at the headquarters of the fire protection district by paying a ten dollar
9 filing fee and filing a statement under oath that such person possesses the
10 required qualifications.

11 2. In any fire protection district located in more than one county one of
12 which is a first class county without a charter form of government having a
13 population of more than one hundred ninety-eight thousand and not adjoining
14 any other first class county or located wholly within a first class county as
15 described herein, a resident shall have been a resident of the district for more

16 than one year to be qualified to serve as a director.

17 3. In any fire protection district located in a county of the third or fourth
18 classification, a person to be qualified to serve as a director shall be over the age
19 of twenty-five years and shall be a voter of the district for more than one year
20 before the election or appointment, except that for the first board of directors in
21 such district, a person need only be a voter of the district for one year before the
22 election or appointment.

23 4. A person desiring to become a candidate for the first board of directors
24 of the proposed district shall pay the sum of five dollars as a filing fee to the
25 treasurer of the county and shall file with the election authority a statement
26 under oath that such person possesses all of the qualifications set out in this
27 chapter for a director of a fire protection district. Thereafter, such candidate
28 shall have the candidate's name placed on the ballot as a candidate for director.

**321.162. 1. All members of the board of directors of a fire
2 protection district first elected on or after January 1, 2008, shall attend
3 and complete an educational seminar or conference or other suitable
4 training on the role and duties of a board member of a fire protection
5 district. The training required under this section shall be conducted
6 by an entity approved by the office of the state fire marshal. The office
7 of the state fire marshal shall determine the content of the training to
8 fulfill the requirements of this section. Such training shall include, at
9 a minimum:**

10 **(1) Information relating to the roles and duties of a fire
11 protection district director;**

12 **(2) A review of all state statutes and regulations relevant to fire
13 protection districts;**

14 **(3) State ethics laws;**

15 **(4) State sunshine laws, chapter 610, RSMo;**

16 **(5) Financial and fiduciary responsibility;**

17 **(6) State laws relating to the setting of tax rates; and**

18 **(7) State laws relating to revenue limitations.**

19 **2. If any fire protection district board member fails to attend a
20 training session within twelve months after taking office, the board
21 member shall not be compensated for attendance at meetings thereafter
22 until the board member has completed such training session.**

**321.688. 1. The board of directors of any fire protection districts
2 located wholly within any county of the first classification may
3 consolidate with each other upon the passage of a joint resolution by
4 each board desiring to consolidate. The joint resolution shall not**

5 become effective unless each board submits to the voters residing
6 within the fire protection districts at a state general, primary, or
7 special election a proposal to authorize the consolidation under this
8 section.

9 2. The ballot of submission for the consolidation authorized in
10 this section shall be in substantially the following form:

11 Shall (insert the name of the fire protection districts) be
12 consolidated into one fire protection district, to be known as the
13 (insert name of proposed consolidated fire protection district)?

14 YES NO

15 If you are in favor of the question, place an "X" in the box opposite
16 "YES". If you are opposed to the question, place an "X" in the box
17 opposite "NO".

18 If a majority of the votes cast on the question by the qualified voters
19 voting thereon in each existing fire protection district are in favor of
20 the question, then the consolidation shall become effective on January
21 first of the year immediately following the approval of the
22 consolidation, unless the consolidation is approved at a November
23 election, in which case the consolidation shall become effective on
24 January first of the second year following the approval of the
25 consolidation.

26 3. The board of directors of any consolidated fire protection
27 district created under this section shall consist of the existing board
28 members of the fire protection districts that were consolidated. Upon
29 the occurrence of a vacancy in the membership of the board, the
30 number of members on the board may be reduced upon approval by a
31 majority of the remaining board members, but the number of seats shall
32 not be reduced to fewer than five. The terms of office for board
33 members shall be identical to the terms of office the board members
34 were originally elected to serve before the consolidation.

35 4. Upon the approval of consolidation under this section, the
36 consolidated district shall be a political subdivision of this state and a
37 body corporate, with all the powers of like or similar corporations, and
38 with all the powers, privileges, and duties of fire protection districts
39 under this chapter. All properties, rights, assets, and liabilities of the
40 fire protection districts which are consolidated, including outstanding
41 bonds thereof if any, shall become the properties, rights, assets, and
42 liabilities of the consolidated fire protection district.

43 5. The consolidated fire protection district shall levy the same

44 **taxes as levied in the fire protection district with the lowest tax levy**
45 **before the consolidation unless a tax levy is specifically set forth in the**
46 **ballot language approved by the voters of the consolidating districts,**
47 **except that the tax levy of the consolidated district shall not exceed the**
48 **highest tax levy of the consolidating districts.**

392.410. 1. A telecommunications company not possessing a certificate
2 of public convenience and necessity from the commission at the time this section
3 goes into effect shall have not more than ninety days in which to apply for a
4 certificate of service authority from the commission pursuant to this chapter
5 unless a company holds a state charter issued in or prior to the year 1913 which
6 charter authorizes a company to engage in the telephone business. No
7 telecommunications company not exempt from this subsection shall transact any
8 business in this state until it shall have obtained a certificate of service authority
9 from the commission pursuant to the provisions of this chapter, except that any
10 telecommunications company which is providing telecommunications service on
11 September 28, 1987, and which has not been granted or denied a certificate of
12 public convenience and necessity prior to September 28, 1987, may continue to
13 provide that service exempt from all other requirements of this chapter until a
14 certificate of service authority is granted or denied by the commission so long as
15 the telecommunications company applies for a certificate of service authority
16 within ninety days from September 28, 1987.

17 2. No telecommunications company offering or providing, or seeking to
18 offer or provide, any interexchange telecommunications service shall do so until
19 it has applied for and received a certificate of interexchange service authority
20 pursuant to the provisions of subsection 1 of this section. No telecommunications
21 company offering or providing, or seeking to offer or provide, any local exchange
22 telecommunications service shall do so until it has applied for and received a
23 certificate of local exchange service authority pursuant to the provisions of section
24 392.420.

25 3. No certificate of service authority issued by the commission shall be
26 construed as granting a monopoly or exclusive privilege, immunity or
27 franchise. The issuance of a certificate of service authority to any
28 telecommunications company shall not preclude the commission from issuing
29 additional certificates of service authority to another telecommunications
30 company providing the same or equivalent service or serving the same
31 geographical area or customers as any previously certified company, except to the
32 extent otherwise provided by section 392.450.

33 4. Any certificate of public convenience and necessity granted by the
34 commission to a telecommunications company prior to September 28, 1987, shall

35 remain in full force and effect unless modified by the commission, and such
36 companies need not apply for a certificate of service authority in order to continue
37 offering or providing service to the extent authorized in such certificate of public
38 convenience and necessity. Any such carrier, however, prior to substantially
39 altering the nature or scope of services provided under a certificate of public
40 convenience and necessity, or adding or expanding services beyond the authority
41 contained in such certificate, shall apply for a certificate of service authority for
42 such alterations or additions pursuant to the provisions of this section.

43 5. The commission may review and modify the terms of any certificate of
44 public convenience and necessity issued to a telecommunications company prior
45 to September 28, 1987, in order to ensure its conformity with the requirements
46 and policies of this chapter. Any certificate of service authority may be altered
47 or modified by the commission after notice and hearing, upon its own motion or
48 upon application of the person or company affected. Unless exercised within a
49 period of one year from the issuance thereof, authority conferred by a certificate
50 of service authority or a certificate of public convenience and necessity shall be
51 null and void.

52 6. The commission may issue a temporary certificate which shall remain
53 in force not to exceed one year to assure maintenance of adequate service or to
54 serve particular customers, without notice and hearing, pending the
55 determination of an application for a certificate.

56 7. No political subdivision of this state shall provide or offer for sale,
57 either to the public or to a telecommunications provider, a telecommunications
58 service or telecommunications facility used to provide a telecommunications
59 service for which a certificate of service authority is required pursuant to this
60 section. Nothing in this subsection shall be construed to restrict a political
61 subdivision from allowing the nondiscriminatory use of its rights-of-way including
62 its poles, conduits, ducts and similar support structures by telecommunications
63 providers or from providing to telecommunications providers, within the
64 geographic area in which it lawfully operates as a municipal utility,
65 telecommunications services or telecommunications facilities on a
66 nondiscriminatory, competitively neutral basis, and at a price which covers cost,
67 including imputed costs that the political subdivision would incur if it were a for-
68 profit business. Nothing in this subsection shall restrict a political subdivision
69 from providing telecommunications services or facilities:

- 70 (1) For its own use;
- 71 (2) For 911, E-911 or other emergency services;
- 72 (3) For medical or educational purposes;
- 73 (4) To students by an educational institution; or

74 (5) Internet-type services.

75 [The provisions of this subsection shall expire on August 28, 2007.]

76 8. The public service commission shall annually study the economic
77 impact of the provisions of this section and prepare and submit a report to the
78 general assembly by December thirty-first of each year.

393.705. As used in sections 393.700 to 393.770, the following terms shall,
2 unless the context clearly indicates otherwise, have the following meanings:

3 (1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures
4 or other obligations of a commission issued pursuant to sections 393.700 to
5 393.770;

6 (2) "Commission", any joint municipal utility commission established by
7 a joint contract pursuant to sections 393.700 to 393.770;

8 (3) "Contracting municipality", each municipality which is a party to a
9 joint contract establishing a commission pursuant to sections 393.700 to 393.770,
10 a water supply district formed pursuant to the provisions of chapter 247, RSMo,
11 or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or
12 chapter 249, RSMo;

13 (4) "Joint contract", the contract entered into among or by and between
14 two or more of the following contracting entities for the purpose of establishing
15 a commission:

16 (a) Municipalities;

17 (b) Public water supply districts;

18 (c) Sewer districts;

19 (d) Nonprofit water companies; [or]

20 (e) Nonprofit sewer companies;

21 **(f) Joint municipal utility commissions;**

22 (5) "Participating municipality", a municipality, public water supply
23 district, or sewer district acting in concert with a commission in the development
24 of a project but providing separate financing to acquire an individual interest in
25 the project;

26 (6) "Person", a natural person, cooperative or private corporation,
27 association, firm, partnership, or business trust of any nature whatsoever,
28 organized and existing pursuant to the laws of any state or of the United States
29 and any municipality or other municipal corporation, governmental unit, or public
30 corporation created under the laws of any state or the United States, and any
31 person, board, or other body declared by the laws of any state or the United
32 States to be a department, agency or instrumentality thereof;

33 (7) "Project", the purchasing, construction, extending or improving of any
34 utility facility or property including without limitation revenue-producing water,

35 sewage, gas or electric light works, heating or power plants, transmission and
36 distribution systems, and all other types of utilities and revenue-producing
37 facilities as deemed appropriate by the governing bodies of the contracting or
38 participating municipalities, including all real and personal property of any
39 nature whatsoever to be used in connection therewith, together with all parts
40 thereof and appurtenances thereto, or any interest therein or right to capacity
41 thereof and the acquisition of fuel of any kind for any such purposes.

393.710. 1. Municipalities, **joint municipal utility commissions**,
2 public water supply districts, and sewer districts may, by joint contract, establish
3 a governmental entity to be known as a joint municipal utility commission, to
4 effect the joint development of a project or projects in whole or in part for the
5 benefit of the inhabitants of such municipalities, public water supply districts and
6 sewer districts.

7 2. Any joint contract establishing a commission under this section shall
8 specify:

9 (1) The name and purpose of the commission and the functions or services
10 to be provided by the commission;

11 (2) The establishment and organization of a governing body of a
12 commission which shall be a board of directors in which all powers of the
13 commission are vested. The joint contract may provide for the creation by the
14 board of an executive committee of the board to which the powers and duties of
15 the board may be delegated as the board or state statute shall specify;

16 (3) The number of directors, the manner of their appointment, terms of
17 office and compensation, if any, and the procedure for filling vacancies on the
18 board. Each contracting municipality, public water supply district, and sewer
19 district shall have the power to appoint one member and an alternate to the
20 board of directors and shall be entitled to remove that member and alternate at
21 will;

22 (4) The manner of selection of the officers of the commission and their
23 duties;

24 (5) The voting requirements for action by the board, but, unless
25 specifically provided otherwise, a majority of directors shall constitute a quorum
26 and a majority of the quorum shall be necessary for any action taken by the
27 board;

28 (6) The duties of the board which shall include the obligation to comply
29 or to cause compliance with this section and the laws of the state and, in
30 addition, with each and every term, provision and covenant in the joint contract
31 creating the commission on its part to be kept or performed;

32 (7) The manner in which additional municipalities, public water supply

33 districts, and sewer districts may become parties to the joint contract;

34 (8) The manner of financing the commission and of establishing and
35 maintaining a budget and annual audit for the commission;

36 (9) The ownership interests of the contracting municipality electric
37 cooperative associations, municipally owned or public utilities in a project or the
38 manner of determining such ownership interest, which ownership interest shall
39 be subject to any mortgage of a project pursuant to section 393.735;

40 (10) Provisions for the disposition, division or distribution of any property
41 or assets of the commission on dissolution; and

42 (11) The term of the joint contract, which may be a definite period or until
43 rescinded or terminated, and the method, if any, by which the joint contract may
44 be rescinded or terminated so long as the commission has no bonds outstanding,
45 unless provision for full payment of such bonds, by escrow or otherwise, has been
46 made pursuant to the terms of the bonds or the resolution, trust indenture or
47 security instrument securing the bonds.

48 3. A commission shall, if the joint contract so provides, be the successor
49 to any nonprofit corporation, agency, or another entity theretofore organized by
50 the contracting municipalities to provide the same function, service or facility,
51 and the commission shall be entitled to all rights and privileges and shall assume
52 all obligations and liabilities of such other entity under existing contracts to
53 which such other entity is a party.

393.715. 1. The general powers of a commission to the extent provided in
2 section 393.710 to be exercised for the benefit of its contracting members shall
3 include the power to:

4 (1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose
5 of, participate in, maintain, repair, extend or improve one or more projects, either
6 exclusively or jointly or by participation with electric cooperative associations,
7 municipally owned or public utilities or acquire any interest in or any rights to
8 capacity of a project, within or outside the state, and act as an agent, or designate
9 one or more other persons participating in a project to act as its agent, in
10 connection with the planning, acquisition, construction, operation, maintenance,
11 repair, extension or improvement of such project;

12 (2) Acquire, sell, distribute and process fuels necessary to the production
13 of electric power and energy; provided, however, the commission shall not have
14 the power or authority to erect, own, use or maintain a transmission line which
15 is parallel or generally parallel to another transmission line in place within a
16 distance of two miles, which serves the same general area sought to be served by
17 the commission unless the public service commission finds that it is not feasible
18 to utilize the transmission line which is in place;

19 (3) Acquire by purchase or lease, construct, install, and operate reservoirs,
20 pipelines, wells, check dams, pumping stations, water purification plants, and
21 other facilities for the production, wholesale distribution, and utilization of water
22 and to own and hold such real and personal property as may be necessary to
23 carry out the purposes of its organization; provided, however, that a commission
24 shall not sell or distribute water, at retail or wholesale, within the certificated
25 area of a water corporation which is subject to the jurisdiction of the public
26 service commission unless the sale or distribution of water is within the
27 boundaries of a public water supply district or municipality which is a contracting
28 municipality in the commission and the commission has obtained the approval of
29 the public service commission prior to commencing such said sale or distribution
30 of water;

31 (4) Acquire by purchase or lease, construct, install, and operate lagoons,
32 pipelines, wells, pumping stations, sewage treatment plants and other facilities
33 for the treatment and transportation of sewage and to own and hold such real and
34 personal property as may be necessary to carry out the purposes of its
35 organization;

36 (5) Enter into operating, franchises, exchange, interchange, pooling,
37 wheeling, transmission and other similar agreements with any person;

38 (6) Make and execute contracts and other instruments necessary or
39 convenient to the exercise of the powers of the commission;

40 (7) Employ agents and employees;

41 (8) Contract with any person, within or outside the state, for the
42 construction of any project or for any interest therein or any right to capacity
43 thereof, without advertising for bids, preparing final plans and specifications in
44 advance of construction, or securing performance and payment of bonds, except
45 to the extent and on such terms as its board of directors or executive committee
46 shall determine. Any contract entered into pursuant to this subdivision shall
47 contain a provision that the requirements of sections 290.210 to 290.340, RSMo,
48 shall apply;

49 (9) Purchase, sell, exchange, transmit, treat, dispose or distribute water,
50 sewage, gas, heat or electric power and energy, or any by-product resulting
51 therefrom, within and outside the state, in such amounts as it shall determine to
52 be necessary and appropriate to make the most effective use of its powers and to
53 meet its responsibilities, and to enter into agreements with any person with
54 respect to such purchase, sale, exchange, treatment, disposal or transmission, on
55 such terms and for such period of time as its board of directors or executive
56 committee shall determine. A commission may not sell or distribute water, gas,
57 heat or power and energy, or sell sewage service at retail to ultimate customers

58 outside the boundary limits of its contracting municipalities except pursuant to
59 subsection 2 or 3 of this section;

60 (10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise
61 dispose of, mortgage, pledge, or grant a security interest in any real or personal
62 property, commodity or service or interest therein;

63 (11) Exercise the powers of eminent domain for public use as provided in
64 chapter 523, RSMo, except that the power of eminent domain shall not be
65 exercised against any electric cooperative association, municipally owned or
66 public utility;

67 (12) Incur debts, liabilities or obligations including the issuance of bonds
68 pursuant to the authority granted in section 27 of article VI of the Missouri
69 Constitution;

70 (13) Sue and be sued in its own name;

71 (14) Have and use a corporate seal;

72 (15) Fix, maintain and revise fees, rates, rents and charges for functions,
73 services, facilities or commodities provided by the commission. **The powers**
74 **enumerated in this subdivision shall constitute the power to tax for**
75 **purposes of article X, section 15 of the Missouri Constitution;**

76 (16) Make, and from time to time, amend and repeal, bylaws, rules and
77 regulations not inconsistent with this section to carry into effect the powers and
78 purposes of the commission;

79 (17) Notwithstanding the provisions of any other law, invest any funds
80 held in reserve or sinking funds, or any funds not required for immediate
81 disbursement, including the proceeds from the sale of any bonds, in such
82 obligations, securities and other investments as the commission deems proper;

83 (18) Join organizations, membership in which is deemed by the board of
84 directors or its executive committee to be beneficial to accomplishment of the
85 commission's purposes;

86 (19) Exercise any other powers which are deemed necessary and
87 convenient by the commission to effectuate the purposes of the commission; and

88 (20) Do and perform any acts and things authorized by this section under,
89 through or by means of an agent or by contracts with any person.

90 2. When a municipality purchases a privately owned water utility and a
91 commission is created pursuant to sections 393.700 to 393.770, the commission
92 may continue to serve those locations previously receiving water from the private
93 utility even though the location receives such service outside the geographical
94 area of the municipalities forming the commission. New water service may be
95 provided in such areas if the site to receive such service is located within
96 one-fourth of a mile from a site serviced by the privately owned water utility.

97 3. When a commission created by any of the contracting entities listed in
98 subdivision (4) of section 393.705 becomes a successor to any nonprofit water
99 corporation, nonprofit sewer corporation or other nonprofit agency or entity
100 organized to provide water or sewer service, the commission may continue to
101 serve, as well as provide new service to, those locations and areas previously
102 receiving water or sewer service from such nonprofit entity, regardless of whether
103 or not such location receives such service outside the geographical service area
104 of the contracting entities forming such commission; provided that such locations
105 and areas previously receiving water and sewer service from such nonprofit entity
106 are not located within:

107 (1) Any county of the first classification with a population of more than
108 six hundred thousand and less than nine hundred thousand;

109 (2) The boundaries of any sewer district established pursuant to article
110 VI, section 30(a) of the Missouri Constitution; or

111 (3) The certificated area of a water or sewer corporation that is subject to
112 the jurisdiction of the public service commission.

 393.720. Any commission established by joint contract under sections
2 393.700 to 393.770 shall constitute a body public and corporate of the state,
3 exercising public powers for the benefit of its contracting members and in order
4 to carry out the public purposes and the public functions of its contracting
5 members. It shall have the duties, privileges, immunities, rights, liabilities and
6 disabilities of its contracting members and as a public body politic and corporate,
7 **including the power to tax**, but shall not have **any additional** taxing power
8 separate from that of its members nor shall it have the benefit of the doctrine of
9 sovereign immunity.

 393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and
2 all income or interest thereon shall be exempt from all state taxes, except estate
3 and transfer taxes.

4 2. All property, real and tangible personal, except for properties acquired
5 exclusively for water supply districts **and water supply commissions**, acquired
6 by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise
7 acquired by a commission shall be subject to taxation for state, county, and
8 municipal and other local purposes only to the same extent as if such property
9 was owned directly by each contracting or participating municipality in such
10 proportion or manner as specified by contract among all contracting or
11 participating municipalities party to a project or if not specified in proportion to
12 the percentage of each municipality's interest or participation in the facility or
13 property.

 393.825. 1. Nonprofit, membership corporations may be organized under

2 sections 393.825 to 393.861 and section 393.175 only for the purpose of supplying
3 wastewater disposal and treatment services within the state of
4 Missouri. Corporations which become subject to sections 393.825 to 393.861 and
5 section 393.175 in the manner herein provided are herein referred to as
6 "nonprofit sewer companies". Five or more persons may organize a nonprofit
7 sewer company pursuant to sections 393.825 to 393.861 and section 393.175.

8 2. The articles of incorporation of a nonprofit sewer company shall recite
9 in the caption that they are executed pursuant to sections 393.825 to 393.861 and
10 section 393.175, shall be signed and acknowledged in duplicate by at least five of
11 the incorporators and shall state:

12 (1) The name of the company;

13 (2) The address of its principal office;

14 (3) The names and addresses of the incorporators;

15 (4) The number of years the company is to continue, which may be any
16 number including perpetuity;

17 (5) The names and addresses of the persons who shall constitute its first
18 board of directors;

19 (6) Whether the company chooses to operate under the provisions of
20 chapter 347, RSMo, or chapter 355, RSMo; and

21 (7) Any provisions not inconsistent with sections 393.825 to 393.861 and
22 section 393.175 deemed necessary or advisable for the conduct of its business and
23 affairs. Such articles of incorporation shall be submitted to the secretary of state
24 for filing.

25 **3. (1) Prior to obtaining a permit to provide service, a nonprofit**
26 **sewer company shall provide a copy of the articles of incorporation and**
27 **company bylaws to the department of natural resources to ensure**
28 **compliance with all statutory requirements. The department shall**
29 **review the documents and provide the nonprofit sewer company**
30 **authorization to provide service if all statutory requirements are met.**
31 **If all statutory requirements have not been met, the department shall**
32 **inform the nonprofit sewer company of all deficiencies and assist such**
33 **company in curing the deficiencies.**

34 **(2) All nonprofit sewer companies shall provide a copy of all**
35 **subsequent modifications of the articles of incorporation and company**
36 **bylaws to the department to ensure continued compliance. If statutory**
37 **requirements are no longer being met, the department shall inform the**
38 **nonprofit sewer company of all deficiencies and provide a period of**
39 **thirty days to cure such deficiencies. If such deficiencies are not cured**
40 **within thirty days, the department may suspend or revoke the**

41 **nonprofit sewer company's authority to provide service until such time**
42 **that the deficiencies are cured.**

393.847. 1. Every nonprofit sewer company constructing, maintaining and
2 operating its wastewater lines and treatment facilities shall construct, maintain
3 and operate such lines and facilities in conformity with the rules and regulations
4 relating to the manner and methods of construction, maintenance and operation
5 and as to safety of the public with other lines and facilities now or hereafter from
6 time to time prescribed by the department of natural resources for the
7 construction, maintenance and operation of such lines or systems. The
8 jurisdiction, supervision, powers and duties of the department of natural
9 resources shall extend to every such nonprofit sewer company and every nonprofit
10 sewer company shall be supervised and regulated by the department of natural
11 resources to the same extent and in the same manner as any other nonprofit
12 corporation engaged in whole or in part in the collection or treatment of
13 wastewater.

14 **2. Notwithstanding any provision of sections 393.825 to 393.861**
15 **to the contrary, a nonprofit sewer company shall not be eligible to**
16 **obtain a construction or operating permit unless a waiver from all**
17 **affected political subdivisions is obtained for a site where:**

18 **(1) A municipality, county, public sewer district, or public water**
19 **supply district operates a wastewater treatment system; or**

20 **(2) A connection to a wastewater treatment system is required**
21 **by a municipal or county ordinance.**

22 **3.** The public service commission shall not have jurisdiction over the
23 construction, maintenance or operation of the wastewater facilities, service, rates,
24 financing, accounting or management of any nonprofit sewer company.

393.900. 1. Nonprofit, membership corporations may be organized
2 pursuant to sections 393.900 to 393.951 only for the purpose of supplying water
3 for distribution, wholesale and treatment services within the state of
4 Missouri. Corporations which become subject to sections 393.900 to 393.951 are
5 referred to in sections 393.900 to 393.951 as nonprofit water companies. Five or
6 more persons may organize a nonprofit water company pursuant to sections
7 393.900 to 393.951.

8 **2.** The articles of incorporation of a nonprofit water company shall recite
9 in the caption that they are executed pursuant to sections 393.900 to 393.951,
10 shall be signed and acknowledged in duplicate by at least five of the incorporators
11 and shall state:

12 **(1) The name of the company;**

13 **(2) The address of its principal office;**

- 14 (3) The names and addresses of the incorporators;
- 15 (4) The number of years the company is to continue, which may be any
16 number including perpetuity;
- 17 (5) The legal description of the territory in which the company intends to
18 operate;
- 19 (6) The names and addresses of the persons who shall constitute its first
20 board of directors;
- 21 (7) Whether the company chooses to operate pursuant to chapter 347,
22 RSMo, or chapter 355, RSMo;
- 23 (8) The method chosen for distributing the assets of the company upon
24 dissolution; and
- 25 (9) Any provisions not inconsistent with sections 393.900 to 393.951
26 deemed necessary or advisable for the conduct of its business and affairs. Such
27 articles of incorporation shall be submitted to the secretary of state for filing.

28 **3. (1) Prior to obtaining a permit to provide service, a nonprofit**
29 **water company shall provide a copy of the articles of incorporation and**
30 **company bylaws to the department of natural resources to ensure**
31 **compliance with all statutory requirements. The department shall**
32 **review the documents and provide the nonprofit water company**
33 **authorization to provide service if all statutory requirements are met.**
34 **If all statutory requirements have not been met, the department shall**
35 **inform the nonprofit water company of all deficiencies and assist such**
36 **company in curing the deficiencies.**

37 **(2) All nonprofit water companies shall provide a copy of all**
38 **subsequent modifications of the articles of incorporation and company**
39 **bylaws to the department to ensure continued compliance. If statutory**
40 **requirements are no longer being met, the department shall inform the**
41 **nonprofit water company of all deficiencies and provide a period of**
42 **thirty days to cure such deficiencies. If such deficiencies are not cured**
43 **within thirty days, the department may suspend or revoke the**
44 **nonprofit water company's authority to provide service until such time**
45 **that the deficiencies are cured.**

393.933. 1. Every nonprofit water company constructing, maintaining and
2 operating its water lines and treatment facilities shall construct, maintain and
3 operate such lines and facilities in conformity with the rules and regulations
4 relating to the manner and methods of construction, maintenance and operation
5 and as to safety of the public with other lines and facilities now or hereafter from
6 time to time prescribed by the department of natural resources or by law for the
7 construction, maintenance and operation of such lines or systems. The

8 jurisdiction, supervision, powers and duties of the department of natural
9 resources shall extend to every such nonprofit water company so far as it
10 concerns the construction, maintenance and operation of the physical equipment
11 of such company to the extent of providing for the safety of employees and the
12 general public.

13 **2. Notwithstanding any provision of sections 393.900 to 393.954**
14 **to the contrary, a nonprofit water company shall not be eligible to**
15 **obtain a construction permit or a permit to dispense unless a waiver**
16 **from all affected political subdivisions is obtained for a site where:**

17 **(1) A municipality, county, or public water supply district**
18 **operates a water system; or**

19 **(2) A connection to a water system is required by a municipal or**
20 **county ordinance.**

21 **3.** The public service commission shall not have jurisdiction over the
22 construction, maintenance or operation of the water facilities, service, rates,
23 financing, accounting or management of any nonprofit water company; except
24 that, the public service commission shall have authority to approve the
25 reorganization of any existing company regulated by the public service
26 commission.

 409.107. No investment firm, legal firm offering bond counsel services, or
2 any persons having an interest in any such firms shall be involved in [any
3 manner in] the issuance of bonds authorized by an election in which the firm or
4 person made any **direct or indirect financial** contribution [of any kind
5 whatsoever] to any campaign in support of the bond election. **For the purposes**
6 **of this section, direct or indirect financial contribution shall not**
7 **include services with respect to providing factual information relating**
8 **to the prospective bond issuance, responding to questions and making**
9 **presentations at public forums relative to prospective bond issuance,**
10 **or participation in any meeting subject to the open meetings law.**

 432.070. No county, city, town, village, school township, school district or
2 other municipal corporation shall make any contract, unless the same shall be
3 within the scope of its powers or be expressly authorized by law, nor unless such
4 contract be made upon a consideration wholly to be performed or executed
5 subsequent to the making of the contract; and such contract, including the
6 consideration, shall be in writing and dated when made, and shall be subscribed
7 by the parties thereto, or their agents authorized by law and duly appointed and
8 authorized in writing. [Notwithstanding the foregoing, any home rule city with
9 more than sixty thousand three hundred but fewer than sixty thousand four
10 hundred inhabitants which after January 1, 2003, has committed or agreed in

11 writing to provide sewer service or has in fact directly or indirectly provided such
12 service to any homes within a subdivision shall give its customers two years prior
13 written notice of its intent to discontinue service and during such two-year period
14 shall continue to connect and provide sanitary sewer service to all homes
15 constructed in such subdivision. In no event shall any sewer service connected
16 prior to the expiration of such two-year period be discontinued.]

451.040. 1. Previous to any marriage in this state, a license for that
2 purpose shall be obtained from the officer authorized to issue the same, and no
3 marriage contracted shall be recognized as valid unless the license has been
4 previously obtained, and unless the marriage is solemnized by a person
5 authorized by law to solemnize marriages.

6 2. Before applicants for a marriage license shall receive a license, and
7 before the recorder of deeds shall be authorized to issue a license, the parties to
8 the marriage shall present an application for the license, duly executed and
9 signed in the presence of the recorder of deeds or their deputy. Each application
10 for a license shall contain the Social Security number of the applicant, provided
11 that the applicant in fact has a Social Security number, or the applicant shall
12 sign a statement provided by the recorder that the applicant does not have a
13 Social Security number. The Social Security number contained in an application
14 for a marriage license shall be exempt from examination and copying pursuant
15 to section 610.024, RSMo. [Upon the expiration of three days] After the receipt
16 of the application the recorder of deeds shall issue the license, unless one of the
17 parties withdraws the application. The license shall be void after thirty days
18 from the date of issuance.

19 3. [Provided, however, that such license may be issued on order of a
20 circuit or associate circuit judge of the county in which the license is applied for,
21 without waiting three days, such license being issued only for good cause shown
22 and by reason of such unusual conditions as to make such marriage advisable.

23 4.] Any person violating the provisions of this section shall be deemed
24 guilty of a misdemeanor.

25 [5.] 4. Common-law marriages shall be null and void.

26 [6.] 5. Provided, however, that no marriage shall be deemed or adjudged
27 invalid, nor shall the validity be in any way affected for want of authority in any
28 person so solemnizing the marriage pursuant to section 451.100, if consummated
29 with the full belief on the part of the persons, so married, or either of them, that
30 they were lawfully joined in marriage.

473.743. It shall be the duty of the public administrator to take into his
2 or her charge and custody the estates of all deceased persons, and the person
3 and estates of all minors, and the estates or person and estate of all incapacitated

4 persons in his **or her** county, in the following cases:

5 (1) When a stranger dies intestate in the county without relations, or dies
6 leaving a will, and the personal representative named is absent, or fails to
7 qualify;

8 (2) When persons die intestate without any known heirs;

9 (3) When persons unknown die or are found dead in the county;

10 (4) When money, property, papers or other estate are left in a situation
11 exposed to loss or damage, and no other person administers on the same;

12 (5) When any estate of any person who dies intestate therein, or
13 elsewhere, is left in the county liable to be injured, wasted or lost, when the
14 intestate does not leave a known husband, widow or heirs in this state;

15 (6) The persons of all minors under the age of fourteen years, whose
16 parents are dead, and who have no legal guardian or conservator;

17 (7) The estates of all minors whose parents are dead, or, if living, refuse
18 or neglect to qualify as conservator, or, having qualified have been removed, or
19 are, from any cause, incompetent to act as such conservator, and who have no one
20 authorized by law to take care of and manage their estate;

21 (8) The estates or person and estate of all disabled or incapacitated
22 persons in his **or her** county who have no legal guardian or conservator, and no
23 one competent to take charge of such estate, or to act as such guardian or
24 conservator, can be found, or is known to the court having jurisdiction, who will
25 qualify;

26 (9) Where from any other good cause, the court shall order him to take
27 possession of any estate to prevent its being injured, wasted, purloined or lost;

28 **(10) When moneys are delivered to the public administrator from**
29 **the county coroner.**

479.010. Violations of municipal ordinances shall be [tried] **heard and**
2 **determined** only before divisions of the circuit court as hereinafter provided in
3 this chapter. **"Heard and determined", for purposes of this chapter, shall**
4 **mean any process under which the court in question retains the final**
5 **authority to make factual determinations pertaining to allegations of**
6 **a municipal ordinance violation, including but not limited to the use of**
7 **a system of administrative adjudication as provided in section 479.011,**
8 **preliminary to a determination by appeal to the court in question.**

479.011. 1. Any city not within a county **or any home rule city with**
2 **more than four hundred thousand inhabitants and located in more than**
3 **one county** may establish, by order or ordinance, an administrative system for
4 adjudicating parking and other **civil**, nonmoving municipal code violations
5 consistent with applicable state law. Such administrative adjudication system

6 shall be subject to practice, procedure, and pleading rules established by the state
7 supreme court, circuit court, or municipal court. This section shall not be
8 construed to affect the validity of other administrative adjudication systems
9 authorized by state law and created before August 28, 2004.

10 2. The order or ordinance creating the administrative adjudication system
11 shall designate the administrative tribunal and its jurisdiction, including the code
12 violations to be reviewed. The administrative tribunal may operate under the
13 supervision of the municipal court, parking commission, or other entity
14 designated by order or ordinance and in a manner consistent with state law. The
15 administrative tribunal shall adopt policies and procedures for administrative
16 hearings, and filing and notification requirements for appeals to the municipal
17 or circuit court, subject to the approval of the municipal or circuit court.

18 3. The administrative adjudication process authorized in this section shall
19 ensure a fair and impartial review of contested municipal code violations, and
20 shall afford the parties due process of law. The formal rules of evidence shall not
21 apply in any administrative review or hearing authorized in this
22 section. Evidence, including hearsay, may be admitted only if it is the type of
23 evidence commonly relied upon by reasonably prudent persons in the conduct of
24 their affairs. The code violation notice, property record, and related
25 documentation in the proper form, or a copy thereof, shall be prima facie evidence
26 of the municipal code violation. The officer who issued the code violation citation
27 need not be present.

28 4. An administrative tribunal may not impose incarceration or any fine
29 in excess of the amount allowed by law. Any sanction, fine or costs, or part of any
30 fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the
31 failure to exhaust, judicial review procedures under chapter 536, RSMo, shall be
32 a debt due and owing the city, and may be collected in accordance with applicable
33 law.

34 5. Any final decision or disposition of a code violation by an
35 administrative tribunal shall constitute a final determination for purposes of
36 judicial review[.]. **Such determination is** subject to review under chapter 536,
37 **RSMo, or, at the request of the defendant made within ten days, a trial**
38 **de novo in the circuit court.** After expiration of the judicial review period
39 under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the
40 administrative tribunal's decisions, findings, rules, and orders may be enforced
41 in the same manner as a judgment entered by a court of competent
42 jurisdiction. Upon being recorded in the manner required by state law or the
43 uniform commercial code, a lien may be imposed on the real or personal property
44 of any defendant entering a plea of nolo contendere, pleading guilty to, or found

45 guilty of a municipal code violation in the amount of any debt due the city under
 46 this section and enforced in the same manner as a judgment lien under a
 47 judgment of a court of competent jurisdiction.

**644.597. In addition to those sums authorized prior to August 28,
 2 2007, the board of fund commissioners of the state of Missouri, as
 3 authorized by section 37(e) of article III of the Constitution of the state
 4 of Missouri, may borrow on the credit of this state the sum of ten
 5 million dollars in the manner described, and for the purposes set out,
 6 in chapter 640, RSMo, and in this chapter.**

**644.598. In addition to those sums authorized prior to August 28,
 2 2007, the board of fund commissioners of the state of Missouri, as
 3 authorized by section 37(g) of article III of the Constitution of the state
 4 of Missouri, may borrow on the credit of this state the sum of ten
 5 million dollars in the manner described, and for the purposes set out,
 6 in chapter 640, RSMo, and in this chapter.**

**644.599. In addition to those sums authorized prior to August 28,
 2 2007, the board of fund commissioners of the state of Missouri, as
 3 authorized by section 37(h) of article III of the Constitution of the state
 4 of Missouri, may borrow on the credit of this state the sum of twenty
 5 million dollars in the manner described, and for the purposes set out,
 6 in chapter 640, RSMo, and in this chapter.**

650.340. 1. The provisions of this section may be cited and shall be
 2 known as the "911 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911
 4 calls that come to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator 16 hours;
- 6 (2) Fire telecommunicator 16 hours;
- 7 (3) Emergency medical services telecommunicator 16 hours;
- 8 (4) Joint communication center telecommunicator 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be
 10 required to complete ongoing training so long as such person engages in the
 11 occupation as a telecommunicator. Such persons shall complete at least [sixteen]
 12 **twenty-four** hours of ongoing training every [two] **three** years by such persons
 13 or organizations as provided in subsection 6 of this section. **The reporting**
 14 **period for the ongoing training under this subsection shall run**
 15 **concurrent with the existing continuing education reporting periods**
 16 **for Missouri peace officers pursuant to chapter 590, RSMo.**

17 4. Any person employed as a telecommunicator on August 28, 1999, shall
 18 not be required to complete the training requirement as provided in subsection

19 2 of this section. Any person hired as a telecommunicator after August 28, 1999,
20 shall complete the training requirements as provided in subsection 2 of this
21 section within twelve months of the date such person is employed as a
22 telecommunicator.

23 5. The training requirements as provided in subsection 2 of this section
24 shall be waived for any person who furnishes proof to the committee that such
25 person has completed training in another state which are at least as stringent as
26 the training requirements of subsection 2 of this section.

27 6. The department of public safety shall determine by administrative rule
28 the persons or organizations authorized to conduct the training as required by
29 subsection 2 of this section.

30 7. This section shall not apply to an emergency medical dispatcher or
31 agency as defined in section 190.100, RSMo, or a person trained by an entity
32 accredited or certified under section 190.131, RSMo, or a person who provides
33 prearrival medical instructions who works for an agency which meets the
34 requirements set forth in section 190.134, RSMo.

**Section 1. The cities of Rogersville and Springfield shall abide
2 by the terms and conditions of the November 15, 2005, settlement
3 agreement, as amended, relating to involuntary annexation of certain
4 real property located between the two cities.**

**Section 2. 1. In any county with a population of more than one
2 hundred eighty thousand inhabitants that adjoins a county with a
3 charter form of government with a population of more than nine
4 hundred thousand inhabitants, all trucks registered for a gross weight
5 of more than twenty-four thousand pounds, as of January 1, 2008, shall
6 not be driven in the far left lane upon an interstate highway having at
7 least three lanes proceeding in the same direction, within three miles
8 of where an interstate highway and a three-digit numbered Missouri
9 route intersects with an average daily traffic count on the interstate
10 highway of at least one hundred thirty thousand vehicles at such
11 point. The Missouri department of transportation shall design,
12 manufacture, and install any informational and directional signs at the
13 appropriate locations. Such restriction shall not apply when:**

14 **(1) It is reasonably necessary for the operation of the truck to
15 respond to emergency conditions; or**

16 **(2) The right or a center lane of a roadway is closed to traffic
17 while under construction, maintenance, or repair.**

18 **2. As used in this section, "truck" means any vehicle, machine,
19 tractor trailer, or semitrailer, or any combination thereof, propelled or**

20 drawn by mechanical power and designed for or used in the
21 transportation of property upon the highways.

22 3. A violation of this section is an infraction unless such
23 violation causes an immediate threat of an accident, in which case such
24 violation shall be deemed a class C misdemeanor, or unless an accident
25 results from such violation, in which case such violation is a class A
26 misdemeanor.

Section 3. 1. The governor is hereby authorized and empowered
2 to sell, transfer, grant, and convey all interest in the following
3 described real property owned by the state in Jackson County to the
4 city of Kansas City:

5 Parcel # 12-840-27-08-00-0-00-000
6 JOHNSON'S SUB OF O T LANDS
7 BEG 460 W 185' S NE CE S SW 1/4 SE 1/4 TH SW 250' SE
8 220' NE 250' NW 220' TO POB
9 Parcel # 12-840-26-02-00-0-00-000
10 EAST KANSAS
11 LOT 1 & N 10 FT OF LOT 2 BL K 53
12 Parcel # 12-840-26-03-00-0-00-000
13 EAST KANSAS
14 ALL OF LOT 2 (EX N 10') & ALL OF LOT 3 & N 10' OF LOT
15 4 BLK 53

16 2. The commissioner of administration shall set the terms and
17 conditions for the sale as the commissioner deems reasonable. Such
18 terms and conditions may include, but not be limited to, the number of
19 appraisals required, and the time, place, and terms of the sale.

20 3. The attorney general shall approve as to form the instrument
21 of conveyance.

Section 4. In each transportation development district in which
2 a sales tax has been imposed or increased under section 238.235, RSMo,
3 every retailer shall prominently display the rate of the sales tax
4 imposed or increased at the cash register area.

Section 5. 1. In any county of the third classification without a
2 township form of government and with more than thirteen thousand
3 seventy-five but fewer than thirteen thousand one hundred seventy-five
4 inhabitants, the governing body of any fire protection district may
5 impose a sales tax in an amount up to one percent on all retail sales
6 made in such fire protection district which are subject to taxation
7 pursuant to the provisions of sections 144.010 to 144.525, RSMo,

8 provided that such sales tax shall be accompanied by a reduction in the
 9 district's tax rate as defined in section 137.073, RSMo. The tax
 10 authorized by this section shall be in addition to any and all other sales
 11 taxes allowed by law, except that no sales tax imposed pursuant to the
 12 provisions of this section shall be effective unless the governing body
 13 of the fire protection district submits to the voters of such fire
 14 protection district, at a municipal or state general, primary or special
 15 election, a proposal to authorize the governing body of the fire
 16 protection district to impose a tax pursuant to this section.

17 2. The ballot of submission shall contain, but need not be limited
 18 to, the following language:

19 "Shall.....(insert name of fire protection district) impose a
 20 sales tax of(insert amount up to one) percent for the
 21 purpose of providing revenues for the operation of the
 22(insert name of fire protection district) and the total
 23 property tax levy on properties in the(insert name of
 24 the fire protection district) shall be reduced annually by an amount
 25 which reduces property tax revenues by an amount equal to fifty
 26 percent of the previous year's revenue collected from this sales tax?

27 YES NO

28 If you are favor of the question, plan an "X" in the box opposite "Yes". If
 29 you are opposed to the question, place an "X" in the box opposite "No".

30 3. If a majority of the votes cast on the proposal by the qualified
 31 voters voting thereon are in favor of the proposal, then the sales tax
 32 authorized in this section shall be in effect and the governing body of
 33 the fire protection district shall lower the level of its tax rate by an
 34 amount which reduces property tax revenues by an amount equal to
 35 fifty percent of the amount of sales tax collected in the preceding year.
 36 If a majority of the votes cast by the qualified voters voting are
 37 opposed to the proposal, then the governing body of the fire protection
 38 district shall not impose the sales tax authorized in this section unless
 39 and until the governing body of such fire protection district resubmits
 40 a proposal to authorize the governing body of the fire protection
 41 district to impose the sales tax authorized by this section and such
 42 proposal is approved by a majority of the qualified voters voting
 43 thereon.

44 4. All revenue received by a district from the tax authorized
 45 pursuant to this section shall be deposited in two special trust funds,
 46 and be used solely for the purposes specified in the proposal submitted

47 pursuant to this section for so long as the tax shall remain in effect.

48 5. Ninety-five percent of the sales taxes collected by the director
49 of revenue pursuant to this section, less one percent for cost of
50 collection which shall be deposited in the state's general revenue fund
51 after payment of premiums for surety bonds as provided in section
52 32.087, RSMo, shall be deposited into the "Ambulance or Fire Protection
53 District Sales Tax Trust Fund" pursuant to section 321.552, RSMo. The
54 remaining five percent of the sales taxes collected by the director of
55 revenue pursuant to this section shall be deposited in a special trust
56 fun, which is hereby created, to be known as the "Distressed Fire
57 Protection District Fund". The moneys in the distressed fire protection
58 district fund shall not be deemed to be state funds and shall not be
59 commingled with any funds of the state. The director of revenue shall
60 keep accurate records of the amount of money in the trust and the
61 amount collected in each district imposing a sales tax pursuant to this
62 section, and the records shall be open to inspection by officers of the
63 county and to the public. Not later than the tenth day of each month
64 the director of revenue shall distribute all moneys deposited in the
65 trust fund during the preceding month in equal parts to the governing
66 body of any fire protection district located within any county with a
67 charter form of government and with more than one million
68 inhabitants, with a median household income of seventy percent or less
69 of the median household income for the county in which such fire
70 protection is located; such funds shall be deposited with the board
71 treasurer of each such district.

72 6. The director of revenue may make refunds from the amounts
73 in the trust fund and credit any district for erroneous payments and
74 overpayments made, and may redeem dishonored checks and drafts
75 deposited to the credit of such district. If any district abolishes the tax,
76 the district shall notify the director of revenue of the action at least
77 ninety days prior to the effective date of the repeal and the director of
78 revenue may order retention in the trust fund, for a period of one year,
79 of two percent of the amount collected after receipt of such notice to
80 cover possible refunds or overpayment of the tax and to redeem
81 dishonored checks and drafts deposited to the credit of such
82 accounts. After one year has elapsed after the effective date of
83 abolition of the tax in such district, the director of revenue shall remit
84 the balance in the account to the district and close the account of that
85 district. The director of revenue shall notify each district of each
86 instance of any amount refunded or any check redeemed from receipts

87 **due the district.**

88 **7. Except as modified in this section, all provisions of sections**
89 **32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this**
90 **section.**

2 [58.510. If the money in the treasury be demanded within
3 five years by the legal representatives of deceased, the treasurer
4 shall pay it to them, after deducting all fees and expenses.]

2 [105.971. 1. Any person who for valuable consideration acts
3 in a representative capacity for the purpose of attempting to
4 influence the decisions of any elected official or member of any
5 commission, board, or committee of any city with a population of at
6 least four hundred thousand shall advise the city clerk of his
7 contact with or his intention to contact such official or member for
8 the purpose of attempting to influence the decision of such elected
9 official or member within ten working days of such contact.

9 2. The requirements of subsection 1 of this section shall be
10 satisfied by sending a letter to the clerk of such city, containing the
11 person's name and business address; the name and address of the
12 person, business, association, partnership or corporation for whom
13 he is attempting to obtain a decision and the department of city
14 government which he is attempting to influence.

15 3. The city clerk shall, upon receipt, make such letters open
16 for public inspection during normal business hours.

17 4. Representatives of the news media engaged in the
18 exercise or expression of any editorial opinion are exempt from this
19 section.

20 5. Violation of this section is an infraction.]

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